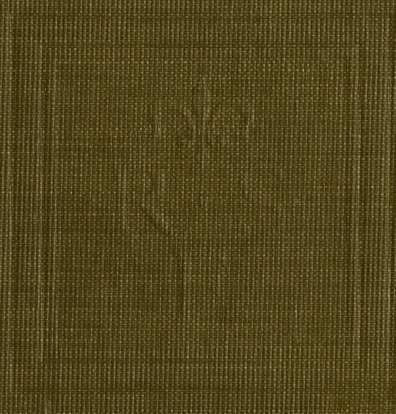
PREVENTIVE AGENCIES AND METHODS

HENDERSON



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PREVENTIVE AGENCIES AND METHODS

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CORRECTION AND PREVENTION

FOUR VOLUMES PREPARED FOR THE
EIGHTH INTERNATIONAL PRISON CONGRESS

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PRESS OF WM. F. FELL CO.
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Juan Luis Vivis, *Del Socorro de los Pobres* Lib. II. "De aquí nacen los vicios que acabo de referir, y que en la verdad no se les deben imputar á ellos tanto como á veces á los magistrados, que no sintiendo rectamente acerca del gobierno del pueblo, no miran por la república sino como si solamente se juzgasen elegidos para resolver sobre pleitos de hacienda ó dinero, ó para sentenciar delincuentes cuando, por el contrario, conviene incomparablemente más que trabajen en cómo hacer buenos á los ciudadanos, que en castigar ó poner freno á los malos; porque, ¿cuánto ménos necesidad habria de penas si primero se cuidára bien de cortar de raíz la causa del mal, en cuanto fuera posible?"

Address to the Citizens and Magistrates of Bruges, 1526.

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INTRODUCTION

THE International Prison Congress and the American* Prison Association for many years have refused to restrict their discussions to the administration of penal and reformatory institutions. Their leaders and members have been fully aware that most of the causes of crime arise outside prison walls; that it cannot be prevented by fear of incarceration, but all the forces of society must be enlisted against it. The world-wide phenomenon of recidivism and the notorious defect of foresight in the criminal mind account for the failure of threats of punishment to deter thoughtless youth, gambling adventurers, and foolhardy desperadoes from vicious conduct. Thus the men whose professional duties bring them into intimate and perpetual contact with violators of law have repeatedly felt compelled to present in their assemblies studies of the phenomena of anti-social conduct in all aspects, direct and indirect, near and remote. Under the four divisions of penal law and procedure, prison management, prevention of crime, and treatment of juvenile delinquents, the International Prison Congress has dealt with the entire range of social conditions and institutions which have causal connections or remedial influence in respect to anti-social conduct.

This may be illustrated by giving the topics discussed under the head of "prevention" by a section of the international organization at St. Petersburg, Paris, Brussels, and Budapest. At the Fifth Congress, held at Paris in 1895, some of the topics were: supervision of discharged convicts; prison schools; libraries and periodicals; irresponsible delinquents; vagrancy; intemperance. At the Sixth Congress, held at Brussels in 1900: emigration of young delinquents; alcoholism and crime; employment bureaus for discharged prisoners. At the Seventh Congress, held at Budapest in 1905: alcoholism and crime; tuberculosis in penal institutions; state inspection of societies of guardianship.

It will be noticed that the influence of alcoholism in causing crime has been a topic of the International Prison Congress during the whole of this long period and at every meeting. Vagrancy and the care of discharged prisoners have occupied considerable attention.

*Until 1907 called the "National" Prison Association.

In the program of the section on prevention, of the Congress of 1910, the writers are requested to discuss the effects of probation and parole under supervision; methods of dealing with vagrants; earnings of prisoners to be given to the family; special institutions and long terms for inebriates.

The discussions of the American Prison Association and of the National Conference of Charities and Correction have taken a still wider range in the field of prevention and we shall have frequent occasion to refer to the publications of these important American societies.

A recent writer* who is in a good position for observation, writes thus of "social prophylaxis":

"The means which society can use to prevent crimes must be adapted to the different categories of criminals already mentioned. It is evident that the measures to be taken against an insane offender or against an instinctive criminal, should not be the same as those to be employed with occasional criminals.

"An examination of the means which society can employ in the prevention of criminality requires us to recognize three kinds of measures, the first of which is the permanent or temporary exclusion of the potential criminal from social life, so as to make it impossible for him to injure others; the second is education, by which is meant the formation of the character of the child, or the reformation of the adult; the third method is to prevent the production of persons susceptible of being parents of criminals, or to remove the conditions under which a latent criminality is likely to grow up."

In the following pages due consideration has been given to all these elements of the problem, though not in the same order.

Clearness of thought will be promoted if we distinguish at once: (1) those whose conduct is already a serious social danger, and (2) those whose surroundings tend to urge them into criminal paths. Whether we begin with the lists of crimes, misdemeanors, and minor offenses catalogued in books and statutes of criminal law, or whether we study directly the persons whose dispositions and habits are dangerous to social order and welfare, we at once discover how varied are the characters which we must consider and how different the forces which set up a tendency to delinquency. The "criminal-born,"

* Maxwell, J., Docteur en Médecine, Substitut du Procureur Général près la Cour d'Appel de Paris. Le Crime et la Société. Paris, Flammarion, 1909.

the instinctive criminal, as well as the criminal by occasion, passion and habit, differ widely in nature and are found in all the conventional classes of society, rich and poor, instructed and illiterate. Therefore our study may not be limited to the so-called "lower orders" of mankind, because we find in our prisons a considerable number of men of pedigree and distinction who have committed gigantic wrongs and brought upon their fellow men vastly more suffering and death than an equal number of burglars, robbers or even murderers. Outside the prisons are only too many delinquents who secure immunity from punishment by secrecy, by hiring mercenary subordinates to carry out the mean details of iniquitous plots, or by purchasing the venal services of shrewd lawyers who disgrace a noble profession by showing their clients how to evade law and win their selfish ends without suffering a penalty. Sometimes the offense against social welfare consists in securing legislation which actually favors the schemes of avarice and oppression. We cannot draw a line about a certain geographical area in each city and designate this district as the region of criminals. Nor can we simplify our task by confining our attention to persons whose pictures are in the rogues' galleries, they and their children and companions. The lawless and injurious acts of unscrupulous corporation managers, the defalcations of bank officers, the monstrous cruelties of some employers who have never broken the letter of the law, are occasionally acts of men in respectable and conspicuous social positions; sometimes of men known to be affectionate and exemplary in domestic, neighborhood and church circles. To ignore these anti-social persons when dealing with preventive measures should of itself provoke contempt for the discussion.*

In order to secure an orderly and vital arrangement of our materials we must discover certain central ideas which may give a logical and progressive movement of thought to the treatment. These ideas must be inherent in the materials themselves and must be reached by an inductive process. The principles of classification must not be artificially imposed from without.

The problem of systematic presentation is made more difficult by the fact that the present study forms one part of a larger whole, and the other parts are written by persons separated from the author of this work. While all are in entire sympathy, each writer has his own mode of approach and of co-ordination. In a very real sense

* See Ross, E. A.: Sin and Society. Boston, Houghton, Mifflin & Co., 1907.

all the methods discussed in the other volumes of the series have significance as "methods of prevention." The deterrent influence of the gloomy jail and penitentiary, the disgrace which covers the name of one convicted of crime by a jury of fellow citizens, the sufferings of incarceration, the procedure of courts, the measures of reformatory discipline, and especially the care of neglected children and youth must all be counted among the measures available for the prevention of crime. In times past the efficacy of punishment and pain has been greatly overrated, but fear will always have a legitimate place. The terms of publication forbid a repetition here of facts and arguments which logically belong in another work.

What remains to be treated under the caption "preventive agencies and methods"?

Again we are perplexed by the vast array of general social efforts to improve the physical, intellectual, moral and spiritual conditions of our rural and urban populations. All of these movements have value in preventing crime, and many of them must be noticed, even if very briefly. Adequately to describe all the American efforts of this kind would require several volumes much larger than this one, and the attempt would inevitably lead us into fields too remote from the business of the International Prison Association. We shall therefore confine our treatment to certain illustrations of general movements on behalf of the common welfare, indicate their bearing on our special theme and give references for those who desire to pursue the study into further details.

The most general aspect of American belief about social order and liberty is expressed authoritatively in our classic state documents, the Declaration of Independence and the Constitution of the United States.* Here not only the purpose of government is described, but also the rational ends of all concerted and purposeful social action. The determination of the people of the United States to check individual aggression and promote the common good is vaguely expressed in the epithet "democracy." Bryce has sagely interpreted our whole political purpose in the title of his splendid work on our national life, The American Commonwealth.

With the position, construction and ordinary methods of legislation and administration we are not to deal here. The institutions of our people generally have for their purpose the usual satisfactions of human desires without much thought of anti-social conduct. We can count on courtesy, honesty, sobriety, industry and fair deal-

* See Chapter VI, Law, Courts and Government.

ing, and with the vast majority of our population no special measures are required to secure conformity to approved modes of conduct. We must notice the fact, however, that non-conformity to tradition and convention may be a sign of progress. The "cake of custom," as Bagehot said, must sometimes be broken by vigorous, progressive and enlightened leaders of advance. Unless a people has become tolerant and educated these innovators may suffer precisely as if they were anti-social in spirit, although they are in fact the first benefactors of the race. Socrates, Servetus, Galileo, Giordano Bruno and John Brown are often cited as examples of this type, "of whom the world was not worthy." In a less conspicuous way almost every community even yet can furnish illustrations of persons so far in advance of their commonplace neighbors that they are treated with ridicule, suspicion, hatred, ban and boycott. For this tragic blunder there is no help save in the general education of the people, in the diffusion of knowledge of science and history, and the growth of appreciation of the higher social value of criticism, discovery and invention. Of course, the suspicion and hesitation of conservative persons is partly justified by the experience that new ideas are not always true, that change is not necessarily progress, and that eccentricity is not the only proof of genius.

We must not assume that customary belief and action are always most conducive to social welfare. The "mores"* are simply those ways of constant and general action which the people of a given time and land believe to be best; whether they do actually further life in all directions must be determined by social science with its methods of historical review, statistical investigation and free criticism by experts. Common sense is a fair guide in ordinary life because it is a residuum of experience, of trial and failure, of trial and success; but common sense is never final and must ever be subjected to fresh scientific tests lest it obstinately and blindly hinder development. Hence it has been found safest for society to give rather free rein to criticism of current morality, business customs, laws and constitutions and creeds, so that by this process of exploration new and better roads may be opened up. The people of America, especially of the great cities, are so thoroughly convinced of this that they give considerable room for all sorts of fanciful sects and parties, laugh at their follies and go on their way without much concern. They think these self-limiting fevers may run their course without too drastic doses of medication and they permit men to try experiments

* See Sumner, W. G.: Folkways. Boston, Ginn & Co., 1907.

on themselves. Our hope is that the popularization of genuine science and growing trust in experts will gradually and insensibly correct these aberrations. We tolerate too many quacks and charlatans because we think there is some danger of repressing freedom in medical art; but the standards of medical practice, of nursing, dentistry and pharmacy have rapidly and steadily improved. Possibly our goodnatured and sometimes contemptuous tolerance of quacks has been favorable to the free development of genuine and intelligent experimentation.

We have now to deal with conduct which is distinctly anti-social, which must include hurtful vices, offenses against municipal ordinances, misdemeanors and felonies.

The first and most clearly marked reaction against such conduct is personal and private resistance and revenge, a method which characterizes children and youth in their quarrels and which survives on the frontier and in communities where police and courts are ill-organized. The achievement of civilized society is the transference of punishment to police, courts and penal institutions under public control. Back of all institutions are the supporting beliefs and convictions of the people that such anti-social acts must be discovered and the guilty persons subjected to restraint and, if possible, to correction. The vindictive and repressive impulse is of course persistent under all forms of regulation, and the savage natural man occasionally bursts up through the late acquired veneer of justice in the form of mobs, riots and lynchings, which in exceptional circumstances disgrace our country and are deplored by all representatives of thoughtful citizenship.

The regular legal institutions of police, courts and prisons represent the methods by which a people seek to eliminate, repress and deter. Society is properly determined to make anti-social conduct hard, dangerous, painful, difficult and shameful, and this is necessary to the defence of all that is precious to men,—life, freedom, health, property, security, order, and culture. This is the system of organized social protection against aggressive invasion of rights and harmful neglect of duties. More and more clearly is it seen and realized that the reformation of the offender is the only permanent means of protecting society against crime. So long as the real criminal remains a criminal in character he is a menace to all that is valuable in civilization. Incarceration is only a temporary and a very costly method of preventing a man from doing harm. He soon is released and becomes a menace.

But with wider experience, deeper insight and more profound

investigation, we are beginning to discern what seers have long divined, that many of the causes of anti-social conduct lie too deep to be much influenced by the traditional machinery of the penal law and its instruments of punishment and reformation. The conviction is already widely prevalent that all this direct attack on existing vice and crime comes too late; that it is merely trimming off a leaf here and there from a poisonous tree, and that we must dig out the very roots of the noxious growth.

Some of the more recent aspects of this preventive movement are thus shrewdly characterized:*

"Of no great public duty have we asked so few questions, counted, compared and summarized so little as with regard to our treatment of the criminal. We have tried to explain crime by heredity, inter-marriage, etc. Offenders are photographed and measured.

"What we have not analyzed and photographed in this way is *ourselves; our attitude toward the offender and his crime;* the mechanism that we have applied to treating that offender and the results upon his later life and upon society of the penalty we have imposed. . . .

"Whenever questions have been asked persistently as to efficiency of gaol, gaoler, judge, or jury, the public has demanded action in accordance with the facts. . . . How questions lead speedily to action, if they happen to be the right questions, is shown by the recent successful fights in New Jersey for the abolition of sheriff's profits on prison fare in county gaols. Instinct revolts against a system that could encourage flagrant injustice. Comfort of mothers required protest. Commerce and cupidity stirred tax payers. . . . Anti-slum, pro-slum, and religious motives demanded that the state stop subsidizing crime by making it to the interest of the sheriff to keep prisoners in gaol as long as possible, to deprive them of decent surroundings and to oppose prison reforms. Facts showed that in counties where the sheriff was permitted to speculate on prison fare, the gaol was dirty, undisciplined and a disgrace to a Christian community. In counties where fees were abolished there was an interest in the prisoner's welfare, not in his meals, and so far as selfish motives operated they tended to shorten the prisoner's term. . . .

"Not correct ideas but efficient men make reformatories practice what they preach. Probation is discredited in many places because no efficiency tests are applied. . . . Efficiency asks that the new ideas prove their superiority by a show of results. . . .

* Allen, Wm. H.: Efficient Democracy, Chapter IX. New York, Dodd, Mead and Co., 1907.

We talk for the most part about preventive measures, yet probation and reformatories are direct preventives only for those persons who have once been convicted of crime. . . .

"To look in a prisoner's throat for defective breathing organs is more important than to take a thumb impression. To compare the physical condition and industrial efficiency of a prisoner, after he has spent seven years in Sing Sing, with his condition and efficiency upon entrance, is infinitely more important than to know the dimensions of a birth mark."

The national movement to care for neglected children, has its spring in the national desire to prevent crime, a movement which my distinguished and competent colleague, Dr. Hastings H. Hart, will describe in all its aspects.* Hence also the movements in American life which are the theme of the present volume: PREVENTIVE AGENCIES AND METHODS.

Since, as we have already noted, all the machinery of penal law and procedure, of criminal courts and prisons, has a deterrent influence upon men tempted to commit crimes, we must not totally ignore this social method of prevention.

"The penalty of law must be regarded among the means of prevention, since it acts as a motive for inhibition; its character is mixed and we study it in a special paragraph, by reason of its special significance."†

Since the protection, preservation and education of morally endangered and wayward children are effective means of turning aside the young from those paths which lead to the prison door at last, we must finally recognize this agency of prevention. And since all the regular institutions, arrangements and movements of society which tend to promote physical health, economic well-being and spiritual culture are also, indirectly, helpful in diminishing the forces which tempt or lure to crime, we must give at least passing indications of being conscious of their significance and value in relation to our present purpose.

But the plan and limitations of this work compel us to restrict our study chiefly to those agencies and methods at work in the United States which more specifically and directly counteract vicious and criminal tendencies. In illustrating our essential purpose we may, though with all the caution and reserve required in employing analogies, mention certain actions in the physical realm.

* See volume on Preventive Treatment of Neglected Children, of this series.

† Maxwell, J.: Le Crime et la Société, p. 260. Paris, E. Flammarion, 1909.

The fire department of a city administration is trained to put out fires and the salvage corps of the insurance companies try to minimize waste and loss in case of conflagration; but there is a considerable code of building ordinances and rules of insurance companies which require the use of slow-burning or non-combustible materials in walls, partitions and roofs so as to prevent the spread of fire in a building and in crowded districts. So also the members of the medical profession are paid by their clients for curing diseases; while sanitary engineers and health commissioners seek to provide pure water, wholesome food, light and ventilation of dwellings, shops and mines, so as to prevent disease.

This treatise is comparable to the work of the architect and sanitary engineer whose business it is to avert the spread of fire or of disease, or to the quarantine station situated outside the harbor of great ports to prevent the entrance of infection. In order that the waters of a vast valley may not inundate its fertile fields the nation proposes to develop a system of dams, dykes and channels, and tame the current even from the mountain sources to obey reasonable requirements, irrigate the fields and turn the wheels of industry.

The system of prevention of crime, so far as it has been thought out and embodied in community action, we are now to analyze, illustrate and interpret so far as lies in our power.

Formerly on the wild prairies of our great west the autumnal fires, which swept away the dried summer grass, threatened the harvest of ripe maize with its golden ears, threatened also the huge stacks of marsh hay on which the life of cattle and horses depended in the coming winter, and the simple shelters of wood which represented the scant capital of the settlers. When the fierce tongues of flame, miles in extent, shot forth, and the fire came crackling and roaring onward, driven by a fierce gale, straight toward the combustible riches of the farmer, he well knew that it would be a hopeless task to fight that kind of a fire by direct attack. A whole regiment of strong men armed with flails could not beat down and arrest that swift, hungry, and wide-winged desolation. What wise farmers did was to plough a strip of land in front of their fields, then set on fire the grass near the exposed front of the fields and let this fire work slowly up against the wind and consume the grass so that when the monstrous enemy approached it would die out from lack of fuel. This the pioneers called "backfiring." It was a preventive method, and is a suggestive image of the social "backfiring" to be studied in this book. The waves of crime which merely repressive agencies have proved

powerless to arrest may in time cease to menace society when these preventive measures have had time to become effective.

Perhaps a better figure for our purpose and one familiar in all lands, is that of the best method of managing weeds. It often surprises an American, accustomed to the primitive and hasty methods of extensive agriculture adapted only to boundless reaches of virgin soil, to see how European cultivators keep down weeds in garden and field. The secret is easily explained: the soil, every inch of it, is preoccupied with vegetables or grains, and carefully tilled. There is no food or room for weeds, and they are not permitted to mature and scatter seeds. The best way to exterminate crime is to see to it that no child grows up in neglect, and that the manifestly degenerate adults have no successors.

It is evident that a discussion of methods of preventing crime or of punishing criminals must lay a foundation in a classification of the human beings whose conduct is to be influenced by these methods. The measures which are decisive with persons of a certain type may be futile when applied to persons of entirely different heredity, education and habits.

We cannot take any analysis of offenders as the basis of arrangement of preventive measures, because almost every one of these organized and institutional methods must deal at the same time with members of several classes and these in all stages and grades of abnormality and perversion. For example, a society for aiding discharged prisoners and their families will almost every day be compelled to deal with offenders of widely different characteristics. At the same time the distinguishing marks and the various causes must be kept before the mind.*

The classification of criminals adopted from Lombroso by Maxwell is suggestive though not final; and it is printed here for its suggestiveness though not made the basis of the later discussion nor accepted as entirely accurate and scientific.

A. Habitual Criminals

I. Congenital:

1. Insane criminals
2. Criminals-born
3. Destitute of moral sense (amoraux)
4. Vagabonds, mendicants

* See Maxwell, Table, p. 32, and discussion, pp. 161–232.

II. Habit acquired:
    5. Perverted
    6. Feeble
    7. Excited

B. Criminals by Occasion (Circumstances of Outward Life)

III. By physiological need:
    8. Hunger
    9. Misery
    10. Sexuality

IV. By psychical need:
    11. Nutrition, drunkenness
    12. Habitation, clothing
    13. Sexuality
        Persons under control
        Dominators
        Jealousy
        Blackmail

V. Emotional:
    14. Anger
    15. Hate
    16. Vengeance

VI. By sentiments of a psycho-social nature
    17. Individual (honor)
    18. Collective
        Religion
        Politics
        Sects
        Superstition

In seeking a fundamental principle which can give unity and logical movement of thought to our study and discussion of the multifarious movements discussed in this volume, we may start from the idea of normal conduct in the national life, since this alone can give us a standard for distinguishing abnormal and pathological phenomena and for measuring the value of the apparently exceptional procedure required for counteracting, repressing, eliminating and preventing abnormal conduct.

At any given moment the people of a community can assume that they may ordinarily count on certain modes of action of their fellows in relation to the street, the factory, the mill, the family, the school, property, labor, government. Without some such belief and expectation the business of life could not be carried on. Social order actually exists; property, life, freedom of movement, security

of possessions are conditions of social co-operation. This constant and regular habit and character are manifested in the literature of morality, in the counsels and discipline of children and youth, by parents in the family, in the criticisms of conduct in gossip, newspapers and theatres, in the efforts of voluntary associations which seek to direct the inexperienced in the right way, in legal regulations of industrial and commercial enterprises, and most conspicuously in the ordinances of cities and the laws of states.

Departure from custom on the part of individuals causes discomfort, pain, resentment and a punitive reaction. This reaction may take the form of protest, anger, personal resistance, threat, infliction of pain, or the fines and imprisonment which sanction penal laws.

In the following discussion, by preventive methods we mean all those forms of associated effort, either of voluntary societies or the public agencies of government, or combinations of both, whose conscious purpose is, at least in some degree, to avert anti-social conduct and remove conditions which tend to increase offenses against social order, welfare and progress.

The phrase "anti-social conduct" is purposely used rather than "crime," and for good reason. Men of superior type may disobey law under exceptional stress of circumstances and be convicted of crime in the legal sense; and on the other hand, colossal wrongs may be perpetrated, and in fact are frequently committed, for which there is as yet no statutory condemnation or penalty. Furthermore, there are habitual offenders against morality who have not yet committed deeds which are called "crimes," but who are forming habits and associations which must inevitably bring them into sharp conflict with the officers of justice if they continue to travel in the direction in which they are now moving. Strictly speaking, an anti-social act cannot be properly called a "crime" until it has been defined by the public authority and due notice given that it will be punished.

The great lawyers have long dwelt upon the fundamental importance of social measures of prevention. They have known the wisdom crystallized in the homely proverb, "an ounce of prevention is worth a pound of cure." But we must look elsewhere than in legal studies for a broad and adequate survey of a systematic attack upon the causes of crime. Indeed, the penal law itself is only one of the

agencies of prevention and it would be unfair to expect in a treatise on penal law all the materials for our study.

Blackstone* recognized the significance of prevention: "We are now arriving at the fifth general branch or head, namely, the means of preventing the commission of crimes and misdemeanors. And really it is an honor, and almost a singular one, to our English laws, that they furnish a title of this sort: since preventive justice is upon every principle, of reason, of humanity, and of sound policy, preferable in all respects to punishing justice, the execution of which, though necessary, and in its consequences a species of mercy to the commonwealth, is always attended with many harsh and disagreeable circumstances."

One would expect from this praise of preventive justice an exhibit of agencies and provisions of corresponding importance; but one is disappointed, for the brief chapter on "the means of preventing offenses" touches merely the question of sureties and recognizance. The preventive justice consists in obliging those persons whom there is probable ground to suspect of misbehavior to stipulate with and to give full assurance to the public that such offense as is apprehended shall not happen, by finding pledges or securities for keeping the peace, or for their good behavior. This is rather a small contribution to our investigation, though of real value.

The words of the great German lawyer, Professor Franz v. Liszt are applicable with even greater force in the United States than in Germany.†

"Every careful investigation in respect to the importance which both groups of factors in their reciprocal relation hold to each other confirms the conviction which impresses itself, even at the first glance, that the social factors have an incomparably greater importance than the individual factor. . . . My second remark, which I join immediately to what has just been said, is of a criminal-political nature. Criminal politics (Kriminalpolitik), which is a struggle with crime according to established principles, must, if it is successful, attack the causes of crime, since an evil can be effectively fought only through its roots. Since the social factors of crime are of incomparably more importance than the individual factor, the criminal-publicist must direct his attention first of all to these social causes and by a transformation of the decisive social conditions in-

* Book IV, Chap. 18, 7th ed., 1775, p. 257.

† von Liszt, Franz: Das Verbrechen als sozial-pathologische Erscheinung, pp. 8, 22 and 16 respectively, 1899.

troduce the more favorable situation in respect to crime which he desires. I hardly need to refer especially to the fact how far our controlling authorities, the legislative bodies in the empire as in the individual states, are from the recognition of this important proposition. Whenever a dreadful crime suddenly discloses, like the fierce lightning flash, the social abyss towards which we had been moving hitherto without suspecting its presence, then people think that they can conjure the danger away by a couple of new threats of punishment, although by punishment in the most favorable circumstances only the individual factor of crime can be reached.

"And so we reach the conclusion that a social policy for the elevation of the entire condition of the working classes, which moves steadily and surely to its goal, is at the same time the best and most effective criminalistic policy. And therewith is also indicated that in addition to that which the legislature of the German empire has already done in this direction, still much more remains for us to do. A radical removal of the abuses which in our day, almost everywhere and not merely in the great cities, are bound up with the conditions of the dwellings of the working classes will undoubtedly show itself to be a more effective means for the reduction of criminality than a whole series of new paragraphs in the penal code.

"It is one of the greatest merits of our official criminal statistics that they have already given special attention to recidivism. The results of these investigations, which are far from being concluded but whose continuance will change nothing in the results, may be summed up in three propositions:

"First, the probability that any one will commit a crime is greater if he has already been punished than if he has never been punished; second, the probability that any one will commit a crime increases with the number of the punishments which he has already undergone; third, the probability that a man who is released from punishment will commit a new crime in the shortest possible time increases with the length of the sentence which he has undergone. A sharper condemnation of our present system of punishment than has been stated in these three propositions can hardly be thought of. Our punishments do not work reformation, nor do they have deterrent power, nor do they have preventive force—that is, they do not keep men from crime; but they rather work towards the strengthening of the impulses to crime from year to year and exactly in consequence of the punishments the army of those who choose crime for their life calling increases."

Von Liszt pleads, therefore, in conclusion, for a transformation of the German system of punishment, and he claims that every nation should begin with improving its methods of dealing with children and youth; in fact this speech made in 1898 was one of the powerful influences which introduced the Prussian law of 1901 based upon principles similar to those of the juvenile courts of the United States.

In a recent work by an eminent teacher of penal law* we may read:

"La criminalité ayant des causes sociales, on doit la combattre par des moyens sociaux et à cet égard les mesures préventie sont plus de portées que les mesures répressives, au mème titre que l'hygiène préventive l'emporte sur le remède. . . .

"A côté de la prévention, la répression apparait comme un mal nécessaire, comme un expédient auquel il faut recourir en dernier ressort. Un système pénal quelconque est surtout un frein pour les hésitants, un moyen de mettre à l'écart les dangereux, il est rarement un moyen de régénération pour les malfaiteurs."

He gives a few lines to outline a policy of prevention, then passes to the penal law. The vista he opens for a brief glimpse soon closes and we must try another way. Where in fact are we to look for a systematic discussion of the subject combined with sufficient wealth of illustration from actual social movements to make the exhibit impressive?

Without committing ourselves to a rigid and mechanical order of treatment, we shall endeavor in each chapter and with each topic to make as clear as limited space permits:

(1) The nature and extent of the social injury to be prevented; (2) evidence that competent specialists are aware of the peril to which the nation is exposed; (3) proposals for amelioration in preventive measures; (4) actual organization and experiments; (5) results obtained, so far as materials for a judgment can be obtained.

A considerable number of delinquents, because of inherited or acquired defects, are incapable of being fitted for free life in society, and the social problem is elimination by humane but effective methods (Chapter I).

The bodily defects which cause or increase crime, and are in

* Prins, Adolphe: Science pénale et droit positif, p. 25. Brussels, Bruylant and Christophe Co., 1899.

some degree inherited, are largely due to conditions which may be removed by measures adapted to the purpose (Chapter II).

Misery and ambition lead to offenses of various degrees and kinds, and amelioration of economic life may reduce these causes of crime (Chapter III).

There are specific social evils which prompt to crime and they are amenable to control by concerted volition (Chapter IV).

Particular classes or groups of delinquents may be treated in such a way as to divert many of them from evil ways and restore them to normal conduct and usefulness (Chapter V).

In the law itself, and in the government, evils exist which incite to crime, and a reformation of law, courts and methods of administration will tend to reduce the quantity of crime (Chapter VI).

All the world recognizes the value of education of children and youth in the struggle against crime, and it is believed that the methods of the schools can be improved so as to render them still more effective (Chapter VII).

Crime is a harmful and abnormal method of satisfying human desires: the most effective methods of prevention of crime are those which awaken new and higher interests and offer to them legitimate and lasting satisfactions (Chapter VIII).

This, in brief, is the order of the argument.

I

INHERITED DEFECT

CRIME is never inherited; but an unstable condition of the central nervous system, which makes normal conduct more difficult and abnormal conduct more probable, is inherited. Inherited weakness, incapacity, perversion or insanity may unfit a person for adjustment to the normal order of human society; may even make impossible education and training for such adjustment. In the same family different descendants of one inferior person will depart from the conventional road of social order in various directions. Some will be found among the chronic "unemployed" and never be able to rise above the level of unskilled, awkward, inefficient, low-paid and casually employed laborers. Such persons, though unable to earn a living, have the appetites of humanity and are tempted to steal when excluded from legitimate industry. Discouraged, confused, often embittered and hopeless, the jail or prison may become positively attractive to them when pressed by hunger and cold. The girls, weak in will and almost certain to be badly taught and surrounded by temptations, frequently join the ranks of prostitutes and become sources of physical and moral infection. Ignorant, miseducated, with few noble sources of enjoyment, the consuming pleasures of alcohol and sexual debauch attract them, exhaust what remains of force and vitality, and still further unfit them for competition with the strong.*

It is not here asserted that the inherited weakness is the sole cause of their dangerous attitude to social order; for such weakness of body generally marks a person whose parents are unfit for their educational function, and whose associations and economic conditions still further enfeeble and break down character and courage. Even the instinctive criminals, of various types, start their antisocial acts in consequence of some "occasion" or provocation from

* American illustrations may be found in the following: Dugdale, R. L.: The Jukes, 5th Ed., New York, G. P. Putnam's Sons, 1895, McCulloch, O. C.: The Tribe of Ishmael, National Conference of Charities and Correction, 1888, p. 154. Blackmar, F. W.: The Smoky Pilgrims, *American Journal of Sociology*, 1897, Vol. II, p. 485. Morrison, W. D.: The Juvenile Offender, New York, D. Appleton & Co., 1897. Féré, C.: Dégénerescence, Paris, F. Alcan, 1895, and La famille neuropathique, 2d Ed., Paris, F. Alcan, 1898.

without. But the difference between them and the true "criminals by occasion" is that they are practically determined to their course by internal and inherited character, while the anti-social conduct of the occasional criminal is the result of gradually acquired tendencies. This distinction is vital.

Among these abnormal persons, if anywhere, are to be sought the members of the class or type of the "criminal-born" or "instinctive" criminals, and the "moral imbeciles" who seem incapable of remorse.*

But generally the abnormals who find their way into the jail, reform school and reformatory are not especially savage or dangerous, but rather irresponsible, incompetent, stupid, incapable of receiving adequate training for the competitive struggle of the modern industrial world. The superintendents at Elmira, Geneva and similar institutions have frequently complained that feeble-minded youths are committed to them by the courts, and that persons of this class cannot be treated as normal subjects with a view to ultimate self-support and self-direction. In the institution they are a demoralizing and incongruous element, and on parole they easily yield to temptation and become parents of idiots or incompetents in their own image.

The habitually and instinctively anti-social are classified by different authorities in various ways:

1. The Insane. Those who are dangerous to society either because they make attacks on persons and property by irresistible impulse or because they are unfit to be parents, or for both reasons. By no means have all the insane inherited their weakness; for mental diseases are often due to accidents, injuries and sickness, and so are acquired, not innate. But once acquired the defect of the nervous system is transmitted to offspring, and therefore we may properly and logically treat the subject under the head of the "congenitally anti-social."

According to the almost universal ethical belief and legal principle, insane persons cannot be treated as criminals, not being "responsible" for their actions. This is not the place to discuss the metaphysical problems of voluntary action, free will, fatalism and determinism. We are here concerned solely with social defense, for some of the insane are dangerous to the peace and safety of the

* See Lombroso: L'Uomo Delinquente, 5th Ed., Frabelli Broca, 1896–7. Ellis, H.: The Criminal, 2d Ed., New York, Chas. Scribner's Sons, 1900. Lysdton, G. F.: The Diseases of Society, Philadelphia, J. B. Lippincott & Co., 1904. Drahms, A.: The Criminal, New York, The Macmillan Co., 1900. Wines, F. H.: Punishment and Reformation, new edition, New York, T. Y. Crowell & Co., 1910. Boies, H. M.: Prisoners and Paupers, New York, G. P. Putnam's Sons, 1893.

community and must be restrained and subjected to a special discipline, either in a prison or in an asylum under rigid state control.

There are at least two groups of this class; those who have previously acquired a reputation for good character and have committed an anti-social act in consequence of deep-seated nervous disorder, and those who have become insane after committing a serious criminal act. Unquestionably many persons convicted of crime as responsible and who afterward are treated for mental disease, were already unfitted for normal conduct by some concealed form of insanity. They may have been regarded as simply "queer" before the violent outbreak.

The method of deprivation of liberty will be and ought to be influenced by the general belief and the legal principle just cited; namely, that only a person sound in mind should be condemned as a criminal and sent to prison. It would be an outrage upon all the moral feelings of civilized men to confine a person of previous good name in company with abandoned criminals merely because brain disease had plunged him into acts which proved his unfitness for freedom in social intercourse. On the other hand, a deranged man or woman who, in the judgment of medical experts, is unfit for social freedom and for parenthood, ought to be deprived of the power to injure society directly or indirectly.

If confinement and segregation are thought to be too severe a measure we have ready a two-fold answer: (1) the protection of the community must be considered in preference to the comfort of a few abnormal individuals; and (2) it can easily be shown that the surest way to bring an insane person into still more aggravated misery is to leave him in freedom, the victim of his own disorder. There is here no real conflict between the happiness of the patient and the well-being of the nation, since only under the constant, vigilant and expert care of medical specialists and trained nurses can an insane person enjoy that minimum of comfort and satisfaction which remains possible in his unfortunate physical condition.

The ground is therefore cleared for a reasonable policy of social protection without involving our minds in the confusion of fruitless speculation or offering violence to humane sentiments. Practically we can accept the advice of the modern physician who recommends medical treatment, and yet retain the ethical and legal distinction between the "responsible" and the "irresponsible," while admitting the impossibility in many doubtful cases of deciding to which class the particular person belongs. No irreparable wrong is likely to be done if the principle of social protection is accepted, for under that

principle the welfare of the individual is made to harmonize with the welfare of the community.

2. The Instinctive Criminal. By selecting the term instinctive rather than innate we avoid several topics in controversy while retaining all that is required for our present practical purpose.* Even when criminal tendencies begin in very young children we cannot always be sure whether the tendency is inherited in the biological sense or acquired before or after birth by some accident of development and nutrition. Hence we may avoid a dispute by selecting a word which does not necessarily connote heredity yet suggests precocity in evil. Even the word instinctive may not be psychologically exact, and its meaning here must be made clear by the connections and illustrations.

We must, for various reasons, decline to enter the vast and thorny disputed territory of the Lombrosian type of the "criminal-born." We carry over from the discussions of the great Italian criminologist the practical conclusions useful for our purpose: there are inherited anatomical and physiological facts which help to determine the force and even the kind of anti-social conduct. The existence of these instinctive "moral imbeciles" has been insisted upon by many American observers, and various aspects of the type have been described. There is a large group of anti-social persons who are intelligent enough for normal conduct and yet seem to be incapable of forming normal moral judgments. Their obliquity of disposition begins so early, and sometimes under outward conditions so favorable to character, that a hereditary factor, registered in anatomical and physiological defect, must be recognized and admitted. Furthermore, it seems to be clear that the "moral imbeciles" may instinctively turn to various kinds of crime both on account of personal qualities and external inducements; some naturally tend to be violent, others crafty, others sensual.

3. The Characterless. It may be convenient to adopt as a description of a certain group of criminals the term used by Maxwell —the "characterless" (amoraux). The "criminal-born" of Lombroso cannot adapt themselves to our civilization; these characterless persons are quite at home in the present order and know how to get on in it according to the "rules of the game." Some of them are said to reveal the "stigmata of the degenerates."

Maxwell, who insists on the value of isolating this group, describes them as given to craft and duplicity; as ingenious in fraud,

* See Ellis, H.: The Criminal. New York, Chas. Scribner's Sons, 1900, 2d Ed.

though rarely violent. They may escape arrest because they are skilful in wicked devices which are not precisely defined in the text of the law. They make money by blackmail, by frightening employers and selling out trade unions. Here may be classified sexual perverts, panders, pimps and pederasts by profession. Such persons are unfit to be parents, both because of physical defects and their example. In them also the factor of inheritance must be considered.

4. Wastrels, Vagabonds, Degenerates. We may again, for our immediate practical purpose, recognize an anti-social group variously described as wastrels, vagabonds and degenerates. They are not insane, they are not aggressively violent, but they are unfit for social co-operation in freedom. Observers have classified them in various ways as they stream through lower police courts, jails and city houses of correction on charges of drunkenness, disorderly conduct, petty theft, public begging and prostitution.

The hereditary factor here again is involved. For although many persons who belong to this group have drifted down from superior families through drink and sexual vice, they have made themselves unfit for parenthood, and social defense for the next generation demands that they be restrained from propagation. In a multitude of cases their character is the result of inherited weakness as well as of stress and strain of outward temptation.

With these distinctions in mind we turn to cite certain American studies which will show the direction of instructed thought and practical action.

Bleeker Van Wagenen, in an address on sources of dependency and crime with which the state is properly concerned and which have not already been reached by legislation, says: "Many thoughtful and farseeing men and women in public and private life have reached the conclusion that the state must definitely undertake prevention as well as custody, care and cure. It seems inevitable that this view should increasingly prevail and eventually be generally accepted.

"Insanity has for years been studied pathologically, but as yet scarcely at all sociologically. We are just beginning to learn that much insanity results from social conditions which are preventable. . . . New York state, through a commission in lunacy, assumes the entire charge and responsibility for all its insane institutions. So does Illinois. Other states are considering the matter. . . . What are some of the direct and contributory

causes sufficiently general to offer possibilities of prevention? To what extent is heredity a cause? The use of alcohol and drugs? Are bad housing, overcrowding, the excessive strain of industrial conditions, the social evil and its consequent disease, our present system of public and private education, factors of importance?"

Mr. Van Wagenen holds that these questions are a proper subject of investigation by the state. The New York commission in lunacy has already begun such work. It has now accumulated 100,000 personal and family histories of the insane, including diagnosis, symptoms, treatment, results, with a statement of probable direct and contributory causes. An analysis of these results is being made with the belief that the determining causes of insanity can be known and the number of cases of the disease be reduced.

"One of the most important and profitable fields for investigation in the search for causes will be found in that class known as feeble-minded, this term being used to designate all those having organic mental defects. There is a lamentable lack of information regarding the numbers of these afflicted people and of the extent to which they contribute to crime, pauperism and insanity."

Dr. Isaac N. Kerlin, formerly head of the Pennsylvania School for Feeble-minded, is quoted as asking: "How many of your criminals, inebriates, and prostitutes are congenital imbeciles? How many of your insane and really feeble-minded or imbecile persons, wayward and neglected in their early training and at last conveniently housed in hospitals, after having wrought mischief, entered social relations, reproduced their kind, defied law, antagonized experts and lawyers, puzzled philanthropists, and in every possible manner retaliated on their progenitors for their origin and on the community for their misapprehension?"

Dr. Knight, superintendent of the School for Feeble-minded of Connecticut, is quoted as speaking of the need of laws to prevent the "tremendous increase of our imbecile population. . . . Neither have we been able to convince the general public, nor even the charitable public, that a large per cent of the criminal class is recruited from a type which when found in our institutions we designate as moral imbeciles. . . . With the moral imbecile it is not a question of yielding to temptation, but rather of yielding to his natural instincts, which are almost without exception for evil. This is the class which works incalculable mischief through the reproduction of its kind. The woman of this type often becomes the victim of licentiousness. You will all agree that every consideration of

morals and decency demands that such cases be kept for life under restraint, oversight and wise direction."

Mr. E. P. Bicknell, while secretary of the state board of charities of Indiana, made an investigation of 248 families of state dependents in which feeble-mindedness was present. He says: "They begin in obscurity, come into view for a few years and fall back into obsecurity again, but the broken stories of their miseries, their perpetuation of their own wretched kind, their demoralizing influence, dragging down the average of morality, intelligence and physical development, are sorrowful beyond words." Mr. Bicknell's investigations led him to the conclusion, that "in families in which mental deficiency descends from parents to children the percentage of feeble-mindedness is 80 per cent, while in those families in which feeble-mindedness is a result of all other causes the percentage is 46 per cent."

Dr. F. M. Powell, head of the School for Feeble-minded of Iowa, writes that "of all classes of degenerates none transmit infirmities in a greater degree than the imbeciles. . . . They transmit in every case some form of degeneracy to offspring, the majority of whom are noticeably feeble-minded, while many become criminals, inebriates and prostitutes."

STUDIES IN HEREDITY: THE JUKES AND ISHMAEL FAMILIES

It is in place here to cite a classic work of an American investigator since in it not only the problems of the present chapter, but also those of all the succeeding discussion, are stated in the form of a description of carefully studied concrete facts.*

The general characteristics of the Jukes are summarized: Fornication, either consanguineous or not, is the backbone of their habits, flanked on one side by pauperism, on the other by crime. The secondary features are prostitution, with its complement of bastardy, and its resultant neglected and miseducated childhood; exhaustion, with its complement intemperance and its resultant unbalanced minds; and disease, with its complement extinction.

The habitat of the Jukes is described by Mr. Dugdale as nestling along the forest-covered margin of five lakes, so rocky as to be at some parts inaccessible. The records show it to be one of the "crime cradles" of New York. The Jukes lived in log or stone houses similar to slave hovels, all ages, sexes, relations and strangers "bunking" indiscriminately. During the winter the inmates lie on the floor

* Dugdale, R. T.: The Jukes, 5th edition. New York, G. P. Putnam's Sons, 1895.

strewn with straw or rushes like so many radii to the hearth, the embers of the fire forming a center toward which their feet focus for warmth. To this day some of the Jukes occupy the self-same shanties built nearly a century ago. Their social habits, like their domiciliary environment, persisted. Even where the house had two rooms they slept in one. The overcrowding suggests a rural counterpart of a city tenement.

Late in the eighteenth century was born a man named Max, a descendant of early Dutch settlers, "a hunter and fisher, a hard drinker, jolly and companionable, averse to steady toil." Of his numerous progeny two sons married two of six "Juke" sisters whose parentage has not been ascertained. Two of the sisters were probably illegitimate half sisters of the others. Five of these sisters married; one could not be traced. The volume is a study of the Jukes for seven generations, seeking to determine the relationship of heredity and environment to vice, crime and pauperism. Other blood, called X, married with the Jukes or crossed with it in illicit relations. The five Juke girls are named Ada, Bell, Clara, Delia and Elsie. The writer uses the term harlot for a woman who has surrendered her virtue in passion or other temptation, but only for a short time. The other term is prostitute. Harlotry is used generically for all degrees of impudicity. The most notable characteristic of the Juke family is harlotry. In six generations of 168 women, 84 surrendered their virtue—52.4 per cent. The records for the first two generations were scanty and of the sixth generation the whole story was not complete, as twelve of the girls were still too young for harlotry. A comparison of the percentage of harlotry in the descendants of Ada, a harlot, with those of Clara, who was chaste, shows the following results: Of Clara's posterity who married outside the lines of Ada and Bell, both harlots, the percentage of harlotry is 44.44. Of the descendants of Clara who married into the lines of Ada and Bell, the percentage of harlotry is 60.93. Ada's legitimate descendants show a percentage of 66.66; illegitimate, percentage 70. The naïve inference is that chastity and profligacy are hereditary characteristics and may be entailed.

Further cases are analyzed which tend to correct the inference. The first case examined seems to indicate a reversion to prostitution, being that of one of four sisters, the other three being chaste, industrious and of good repute. However, there is a wide margin for doubt, as some features of the environment could not be determined.

The next case cited is that of a white woman with two illegiti-

mate children, one a mulatto girl who died at one year old of syphilis. The woman was a bastard, a prostitute, syphilitic, whose mother was a prostitute similarly afflicted by inheritance from a licentious father whose mother was Ada, a harlot. But look now on the environment. The infant child who died was conceived by the roadside, born in the poorhouse. Its mother was a vagrant child, so neglected that at seven years of age she was committed to the county jail for a misdemeanor. Unable because of idleness and filth to be an acceptable servant, she became a prostitute. Her half sister and other relatives set the example of profligacy. Her mother had two husbands and a paramour who deserted her. Four aunts were prostitutes and one kept a brothel. The grandfather was very dissolute; his harlot sisters married mulattoes. The environment for three generations corresponded to the heredity, the example being enough to stimulate licentious practices without the necessity of considering heredity. Again and again the story traced by the author reveals the parallel between the hereditary vice and a social heredity that corresponds. In one case in the seventh generation is an illegitimate girl six years old, whose mother was an illegitimate prostitute, whose mother was a harlot, whose mother was illegitimate, married to a husband whose father was illegitimate, whose mother was Ada, a harlot. The environment was as bad as the worst, involving brothels, dram shops, etc. But the story is not of uniform darkness. One girl in the fifth generation, whose early surroundings were as evil as any of the others, whose sister kept a brothel, and who herself was arrested at fifteen years of age for vagrancy, married a German, a steady industrious fellow, and thereafter lived a respectable life, brought forth legitimate children and took a reputable place in the world.

The writer then makes the following comment: "If prostitution were merely a private vice, the bad effects of which were confined to the individuals practicing it, it would be a matter of only secondary moment, but the bearing which it has upon the increase and perpetuation of crime arises from the fact that it leads to neglected and miseducated childhood, without self-respect and without proper desire for the approbation of reputable people." The author finds that marriage tended to extinguish prostitution.

Cautiously at this point the author suggests the following "tentative inductions":

1. Harlotry may become an hereditary characteristic and be perpetuated without any specially favoring environment to call it into activity.

2. In most cases the heredity is also accompanied by an environment that runs parallel to it, the two conditions giving cumulative force to a career of debauch.

3. Where there is chastity in the heredity, the same is accompanied with an environment favorable to chaste habits.

4. Where the heredity and the environment are in the direction of harlotry, if the environment be changed at a sufficiently early period, the career of prostitution may be arrested and the sexual habits amended.

5. Early marriage tends to extinguish harlotry.

6. Prostitution in the woman is the analogue of crime and pauperism in the man.

7. As a corollary of this last, a practical rule may be laid down to help us estimate the chances of reforming a boy who has committed his first offense. If his elder sisters are reputable, his chances are good; if they are not reputable the chances of his becoming an habitual criminal are increased proportionately.

Under the heading, Diseases, Malformations, and Injuries the author presents the statistics of these in relation to pauperism. While in the whole family the percentage of pauperism was 22.22, among the sick and disabled it was 56.47 per cent. In a case of hereditary blindness the cost to the town was twenty-three years of outdoor relief for two people and a town burial. But the most serious disease in relation to pauperism is shown to be syphilis. Physicians who know say that 25 to 30 per cent of the Jukes are tainted with it.

Here again it is not a matter merely of individuals who die, but the larger consideration of many lives weakened in vitality, made wretched in numberless ways. The correlation between syphilis and weakness appears incontestably in the case of the soldier who contracted malignant syphilis in the War of 1812, and in his progeny. He was twice an inmate of an almshouse. His daughter, a congenital idiot, was a pauper at eight years of age and remained such until she was at least sixteen. How much longer is not known. Disease in one generation produced cerebral atrophy in the next, a common result of scrofulous or syphilitic disease. Again we find a grandchild of this man by another daughter, who was herself weak-minded and blind because of syphilitic taint inherited from her father, in the poorhouse. Here again environment kept pace with heredity, grandfather licentious, mother brothel keeper, daughter in the poorhouse for "vagrancy," a euphemism for prostitution.

Again and again the author finds the parallelism between

harlotry with syphilitic taint on the one hand and pauperism in parents or children or both. The youngest child is especially liable to pauperism, as the older ones are stronger and can win their own way. Disease in the parent is weakness in the child.

A number of tentative inductions are here made by the author concerning pauperism:

1. Pauperism is an indication of weakness, either youth, disease, old age, injury; or, for women, childbirth.

2. It is divisible into hereditary and induced pauperism.

3. Hereditary pauperism rests chiefly on disease and tends to extinction. It is the sociological aspect of physical degeneration.

4. The chief causal diseases are the result of sexual licentiousness.

5. Pauperism in adult life may or may not be modified by environment.

6. Pauperism follows men more frequently than women, indicating a decided tendency to hereditary pauperism.

7. Different degrees of pauperism indicate different gradations of waning vitality. Is indolence due to waning vitality?

8. Induced pauperism results from bad administration of the law or temporary weakness in the recipient.

9. Induced pauperism tends to the hereditary form.

10. The younger children are more likely to be paupers.

In the matter of intemperance, the scanty evidence afforded by the Jukes indicates that intemperance followed sexual excesses with their accompanying weakness and was a result of them. The author says that his investigation tends to show "that certain diseases and mental disorders precede the appetite for stimulants, and that the true cause of their use is antecedent heredity and induced physical exhaustion; the remedy, healthy, well-balanced constitutions." If this view be true the author indicates that the most effective remedy for intemperance is proper training of youth in the matter of sex and the cure of constitutional diseases.

In the matter of crime, the cross between Juke blood and X blood produces the larger number of criminals. The oldest male child is the father of a larger proportion of criminals than the younger ones. Petty thieving was presumably common among all, but such cases are seldom recorded. The burden of crime is found in the illegitimate lines. The same story of wretched environment runs through the whole family.

Crime and pauperism by comparison reveal the ideal pauper as

the idiotic adult unable to help himself. The ideal criminal is in the prime of life, courageous and cunning. There are endless gradations until you reach a class too weak for crime, who are therefore in youth found in prison, in old age in the almshouse. To illustrate more fully: The criminal branch—Ada—shows 35 per cent outdoor relief, 21 per cent almshouse, 60 per cent crime. The pauper branch —Elsie—shows 61 per cent outdoor relief, 38 per cent almshouse, 53 per cent crime. But in the matter of intensity of crime, nine offenders of the line of Ada have been sent to state prison for sixty years, while of the line of Elsie only one has been sent for five years.

Further, Ada's line perpetrate 54 per cent of crimes against property, including burglary, grand larceny, and highway robbery; Elsie's only 30 per cent, the highest crime being petit larceny.

Tentative conclusions:

1. Crime as compared to pauperism indicates vigor.

2. With true criminals pauperism occurs either in old age or childhood and is not synchronous with the time of the criminal career.

3. Imprisonment of parents may induce pauperism of the children, especially girls.

4. Criminal careers are more easily modified by environment, for crime, especially contrived crime, indicates capacity.

5. When the misfortune of parents casts children into the almshouse, the children will be paupers or criminals conditioned on vitality and enterprise.

6. Hereditary pauperism seems to be more fixed than hereditary crime.

Rape, especially of little girls, is a crime of weakness.

The case of a Juke on the border line between pauperism and crime is of peculiar interest. He is the illegitimate son of a first son. In early childhood he was not an inmate of an almshouse. At thirteen he became so afflicted with acquired syphilis that he was lamed for life. At twenty-three he got outdoor relief; at twenty-five, petit larceny, county jail; at thirty, petit larceny; at thirty-two, outdoor relief one year; at thirty-three, prosecuted for bastardy, marries the girl; at thirty-eight, outdoor relief; at forty-one, petit larceny, county jail 30 days; assault and battery when drunk, county jail 30 days. In him is recognized both the prepotency of a first child and the weakness of an invalid. His disease destroys his vigor and his pride.

A Juke at thirty years of age commits grand larceny and is sent to the county jail for 90 days. At forty-nine he is sent to Sing

Sing for rape of his niece, eighteen years old. "In the prime of life," says the author, "when the judgment and the will have most control over the emotions, the man's tendency is to give up crime and live by industry. But after he passes his prime we find him committing a crime of weakness."

Statistics of the crime of rape indicate that the maximum of passion for the young is twenty-seven, before the full development of the judgment and the will; the fewest rapes occur between thirty-two and thirty-five, the age of maximum will power; from this time on the proportion increases, owing to the fact that the will power decays faster than the erotic passions. In the case of the Juke above mentioned the crime occurred on the occasion of a fishing trip, an idle occupation.

On formation of character, our author says that where there is heredity of any characteristic it tends to form an environment for the next generation that corresponds to this heredity. Where the environment changes in youth heredity may be measurably altered. The author holds that the whole matter of the educational management of crime, vice, pauperism rests strictly on a physiological basis. These phenomena occur because disease, because unsanitary conditions, because educational neglects, produce arrest of cerebral development at some point, so that the individual fails to meet the exigencies of the civilization of his time and country. The cure for unbalanced life is a training which will affect the cerebral tissue, producing a corresponding change of career. "As in the case of the idiot the arrest of cerebral development is caused by want of alimentary nutrition to the brain, so in the untaught child we get arrest of cerebral development caused by neglecting to furnish properly organized experience of the right relations of human beings to each other, which gives us a corresponding moral idiot."

After disease the most uniformly noticeable trait of the criminal is the lack of continuity of effort. The ancestor of all the Jukes, Max, was a hunter and fisher. Of all the Jukes not more than twenty are skilled workmen. The industries pursued by them leave them idle during the winter season.

Disease produces a deadening effect on the moral sense, intemperance results largely from waning vitality, pauperism is due to the same process, the career of the criminal often beginning and ending in the poorhouse, the middle years of vitality being given over to crime. Behind all is fornication, spreading disease and creating idleness which is fortified by the cessation of work, so that both

surroundings and proclivities become cumulative. This idleness again allures to sexual excess, so completing the vicious circle.

Mr. Dugdale urges industrial training as the cure for this condition. In the training of idiots the first necessity frequently is to check their vice. The necessary process is to direct their energies to other occupations, create an interest in other activity. "The direct effect of industrial training is to curb licentiousness, its secondary effect to decrease the craving for stimulants and narcotics, to reduce the number of neglected children, to stimulate new sets of wants which will express themselves in a higher standard of living, and concomitantly promote the habits of industry which will enable those wants to be satisfied."

How are these results to be accomplished? By putting the children of criminal and vicious parents into good homes and by industrial training. By industrial training is meant the development of the senses of touch, hearing, taste, smell, sight, so that the mind shall be filled with knowledge of facts instead of being left vacant. "With the use of the faculties will gradually be developed varieties of emotion and intelligence, which, tending to activities in their own direction, will organize the career of the individual so that criminal or vicious courses can be supplanted by automatic virtue."

The writer then tells of an employer of labor near the original home of the Jukes, who by firm and just treatment seems likely to produce a change for the better in the family prospects. "He never swerves from what he says; never evades a promise. This establishes over them an empire that makes them trust him, and when they get into difficulties they come to him for advice. He acts as their banker, encourages them to save, and in the case of boys from thirteen to fifteen who have formed acquaintance of licentious women, he interposes his authority and checks their career of licentiousness by establishing a bond of mutual good faith between himself and the offender, the latter promising to discontinue his course if his former conduct is not reported to his parents. . . . He has not taken up this work as a mission, but strictly as a business man, who, finding himself placed where he must employ the rude laborers of his locality, deals with them on the sound and healthy basis of commercial contract, carried out and rigidly enforced. If such prudent persons could be enlisted in this work, they would prove the most efficient of all reformers, because reform would be secured under liberty, the only ultimate test of self-balance."

Mr. Dugdale urges that the method of study here used be applied to other types of criminals. "Such a series," he says, "would form a body of evidence which would furnish data enabling us to pronounce judgment upon any scheme put forth to counteract the increase of crime."

THE SOCIAL DAMAGES OF THE JUKES ESTIMATED

		Cost
Total number of persons	1200	
Number of pauperized adults	280	
Cost of almshouse relief		$15,000.00
Cost of outdoor relief		32,250.00
Number of criminal offenders	140	
Years of imprisonment	140	
Cost of maintenance at $200 per year		28,000.00
Number of arrests and trials	250	
Cost of arrests and trials, $100 each		25,000.00
Number of habitual thieves convicted	60	
Number of years of depredation at twelve years each	720	
Cost of depredation at $120 a year		86,400.00
Number of lives sacrificed by murder	7	
Value, at $1,200 each		8,400.00
Number of common prostitutes	50	
Average number of years of debauch	15	
Total number of years of debauch	750	
Cost of maintaining each per year		300
Total cost of maintenance		225,000.00
Number of women specifically diseased	40	
Number of men each woman contaminates with permanent disease	10	
Number of men contaminated	400	
Total years of wages lost by 400 men	1200	
Number of persons contaminated	440	
Cost of drugs and treatment		88,000.00
Loss of wages		600,000.00
Total number of years lost from productive labor by courtesans	500	
Value		62,500.00
Aggregate curtailment of life equivalent to 50 mature individuals	50	
Cash cost, each life at $1,200		60,000.00
Aggregate of children who died prematurely	300	
Average years of life of each child	2	
Cash cost, each child at $50		15,000.00
Number of prosecutions in bastardy	30	
Average cost of prosecution $100		3,000.00
Cost of property destroyed, blackmail, brawls		20,000.00
Average capital in brothels		6,000.00
Compound interest 26 years 6 per cent		18,000.00
Charity by churches		10,000.00
Charity from begging		5,450.00
Total		$1,308,000.00

"Over a million and a quarter dollars of loss in 75 years, caused by a family 1,200 strong, without reckoning the cash paid for whiskey, or taking into account the entailment of pauperism and crime of the

survivors in succeeding generations, and the incurable disease, idiocy, and insanity growing out of this debauchery and reaching further than we can calculate."

A somewhat similar study has been made in Indiana.*

In 1877 Mr. McCulloch found a family in extreme destitution, the "Ishmaels." They had a pauper record extending far back, "and had so intermarried as to form a pauper ganglion of several generations." The National Conference of Charities and Correction continued the investigation until historical data of 250 families had been secured. "The original Ishmael family was in Kentucky in 1790, having come from Maryland through Pennsylvania. Ben Ishmael had five sons and three daughters, some of whose descendants now living in Kentucky are prosperous and respected people. One son, John, married a half-breed woman and went to Marion County, Indiana, about 1840. He was diseased and could get no farther. Of his seven children, two remained in Kentucky, one never married and one has been lost sight of. The remaining three sons married three sisters from a pauper Smith family. These had children of whom fourteen lived; and thirteen raised families, having sixty children of whom thirty are now living (1888) in the fifth generation.

"Since 1840 they have been in almshouses, the house of refuge, the woman's reformatory, the penitentiaries, and have received continuous aid from the township. They have intermarried among themselves and with 250 other families."

A special study of thirty families revealed the following:

"From 1840 to date (1888) there are known prostitutes to the number of 121, much petty thieving and larcenies, and a number of murders. The City Hospital records show that taking out surgical cases, acute general diseases, and cases outside the city, 75 per cent of the cases treated are from this class. The Board of Health reports that the number of still-born children found in sinks, etc., is not less than six per week. Suffering among children is very severe and the death rate exceedingly high. The children are sent to beg, first having vitriol put on the eyes to make them sore."

Mr. McCulloch mentions the following general characteristics of the tribe:

1. The wandering tendency. 2. General unchastity, even manifesting itself in incest and unnamable vices. 3. Heredity. "Each child tends to the same life; reverts when taken out." 4. Public

* McCulloch, Rev. Oscar C.: The Tribe of Ishmael. Proceedings of the National Conference of Charities and Correction, 1888, p. 154.

relief. Since 1840 relief to an enormous sum has been given them. The public relief funds have been used for corrupt purposes through aid to this "tribe" at election time. What the public institutions have not done to encourage these parasites, charitably disposed individuals have furnished.

A study of rural conditions in Kansas has been made by Professor Blackmar,* with special reference to inherited defect and crime.

"It is a popular belief that large cities are the great centers of social corruption and the special causes of social degeneration; while rural districts and country towns are quite free from immoral influences. . . . No doubt that the congregation of a large population in a city has a tendency to develop in a geometrical ratio certain criminal and pauper conditions which are in marked contrast to those of sparsely settled districts, where life moves less rapidly and overcrowding is less apparent. Yet the country has its own social evils and social residuum; for while an abundance of fresh air and sunshine may be in themselves redeeming features of social improvement, it takes something more than these to make a healthy social atmosphere.

"The tramp life is of comparatively recent development. Everywhere in the West may be seen the covered wagon drawn by poor horses and conveying from place to place a family group that lives chiefly by begging and by what it can pick up along the way. . . . The towns and villages of the country all have their pauper families. . . . Here, as in the city, indiscriminate charity and the lack of proper administration of local government tend to increase the pauper conditions. Hence it is easy for a pauper family to fasten itself upon a rural community, without hope of doing better, and with no other intention than to be fed and cared for by their neighbors. These pauper and semi-pauper families are found in every village, and, their life being largely without restraint, pauper and criminal characteristics develop quite rapidly. . . . This lack of positive preventive measures or checks in the loose government of a small town has its results in the growth of immorality among the boys, if they are permitted to run at large. Thousands of children having the freedom of the street grow up in idleness and viciousness. . . ."

At this point Professor Blackmar takes up the discussion of a

* Blackmar, F. W.: The Smoky Pilgrims. *American Journal of Sociology*, June, 1897.

concrete case, a family whom he names "The Smoky Pilgrims." As described by him they resemble in all essential particulars the celebrated Jukes family.

It will be noticed that these remarkable stories are not drawn from the cities, which all the world knows are hotbeds of crime, but from rural communities where the outward conditions of life are favorable to health, or from small cities not yet troubled by the serious problems of congestion. These stories are cited to illustrate at once the importance of the element of heredity and also the extreme difficulty of separating it from the causes which inhere in the physical and social conditions of life.

THE DANGEROUS INSANE

There is no word here of "criminals" in the legal sense. According to our laws an insane person is incapable of committing crime. But some of the insane are dangerous to society and require restraint and treatment. In many cases it is difficult to distinguish insane from criminal impulses and actions. Nervous and mental disturbances unquestionably make anti-social deeds more frequent. Therefore brief notice must here be given to this aspect of our problem.

In the United States the conviction is gathering momentum in ever-widening circles that society is constantly in danger from certain classes of the insane, as well as from the feeble-minded and epileptic, and that measures must be taken for protection. Now that the idea of social revenge is definitely abandoned by all enlightened leaders, and the standpoint of social protection is accepted, we are in much better position to deal with the problem without passion or prejudice. It is impossible in many cases to judge whether a person is insane or not; impossible to measure the degree of responsibility or of desert, and the penalty which will satisfy abstract justice. We ought by this time to be able to free ourselves from the metaphysical confusion which disturbs the traditional penal codes built on the unverifiable assumption that a judge, a jury, or a legislature can measure the pains due to a specific act. What we can discover, with the aid of modern science, is the fact that a given person is dangerous to the life, persons or property of the community, and we can define a suitable method of education, training, medical treatment and seclusion which will, in one way or another, protect society. All this can be done legally, with judicial safeguards of liberty, and

in a way which will be best even for the person placed under treatment. Many a dangerous man has been set at liberty by courts and juries because they feared to condemn an insane person; and so individuals have been placed in jeopardy, and the trait of insanity has been transmitted to children through the vicious system based on false assumptions.*

"It seems to me necessary to take for our central principle in all our scientific system of repression the conception of the social interest. The notion of public vengeance should be abandoned.

"This idea, purely practical, established on facts, freed from all controverted theories, gives a great security to the legislator and to the judge; and especially to the latter, for he might be troubled with scruples in the condemnation of a culpable person, while he might easily recognize a dangerous man. The struggle against crime then takes on a different aspect; it becomes more secure, more impartial, more calm."

The people of the United States have had sad experiences which have compelled them to think much of the dangerous insane. The assassins of two of our beloved Presidents, Garfield and McKinley, whose murders could have no ground in the thought of a normal man, were undoubtedly men who had already shown symptoms of mental disorder which should have kept them under observation and control by specialists in mental disease. Several mayors, chiefs of police and other representatives of authority have been threatened or attacked by men who had lost their nervous equilibrium and had obsessions of persecution.†

How many thousands of persons, even in our prosperous United States, conceal in their own memories the horrible secret revealed in Ibsen's tragedy, The Ghosts! No statistician will ever be able to wring from them the story and no government bureau will ever publish the facts, for the rude machinery of the census taker is too clumsy for such an inquiry. But many a mother hides, as did the widow Alving, the terrible explanation of moral weakness and perversity in her children due to the excesses and nervous breakdown of the dissolute father; perhaps sometime to confess:

* See Maxwell: Le Crime et la Société, p. 98. Paris, Flammarion, 1909.

† The writer may be permitted to mention a personal experience which brought this peril home to him many years ago in a manner so startling that it cannot be forgotten. A half-witted laborer, whom he had befriended, treated him in troublesome interviews with doglike affection and even base servility. Later this conduct changed to an attitude of menace and hints of killing, and finally an assault was made, when the police were called in and the physicians, upon examination, had the poor fellow placed in a state institution for the insane, where he was no longer a source of danger.

"Ich sah nur das eine, dass dein Vater ein gebrochener Mann war ehe du geboren wurdest."

The literature of forensic medicine shows that our medical men are quite aware of this anti-social factor in certain kinds of insanity. A few typical statements from distinguished scholars will serve as evidence and illustration:

J. Montgomery Mosher, M.D., in the *American Journal of Insanity*, January, 1909, writes of the need of better provision for the treatment of mental diseases in the early stages. He says: "In 1902 was opened in Albany Hospital a pavilion for the treatment of mental diseases to which patients might be admitted without formality and with the same freedom as those received in the wards for the sick and injured."

Dr. Albert Warren Ferris writes:*

"The fact of our net increase of 61 per cent more than in previous years suggests not only the necessity for education of the people, but also the emphatic desirability of placing the insane under earlier treatment. But much more forcibly is this necessity stated in the fact of the early death of 15.6 per cent of our newly admitted. . . . If brought more promptly into reception wards they would, in many cases, never have progressed so far and their recovery would have dated from an earlier period.

"The earlier case, the borderland case, must be put under treatment. . . . It seems trivial to say it (yet this truth must be impressed upon the thoughtless community by the physician) that, as soon as the teacher or parent or other relative discovers such disorders and decides they are more than transient, he should take alarm and seek medical advice for the patient. If, owing to congenital defect, mental development is retarded, the child should have the advice of the psychiatrist. If under the stress and strain of an active life an adult begins to 'break down,' immediate medical relief should be secured. The term 'overwork' is relative to the constitutional equipment and to the mental and physical health of the individual.

"To afford as far as possible opportunities for every relief of the borderland cases, New York state, which had for many years authorized licensed private houses to receive voluntary patients, in 1908 amended the insanity law and threw open her thirteen civil state hospitals for the reception, without commitment, on their own application, of patients whose minds are not so impaired as to render

* Ferris, Albert Warren, M.D.: Borderland Cases of Insanity. *American Journal of Insanity*, July, 1909.

them incapable of forming a rational judgment or to render them incapable of resisting influence.

"Since the change in the statute, comparatively few voluntary patients have taken advantage of the opportunity to enter the state hospital, the small number being due, apparently, to want of information or apathy of the general practitioner; to the idea persistent among the laity that real insanity is always marked by violence; and to the feeling that possibly recoverable cases of mental disorder should be kept at home, the hospital being regarded by some citizens as merely a receptacle for the desperate or hopeless cases. Too much stress cannot be laid on the importance of instructing the general practitioner and the public to the effect that medical care of the insane should begin before the time when sufficient mental change has occurred to make confinement possible."

Dr. Ferris then discusses the 71 cases received on voluntary application into the New York State Hospital between July 1, 1908, and April 1, 1909. He says:

"The services of the hospitals were of distinct value to the community in the instance of the 14 patients who cannot be cured. Of these two were paranoiac, one of whom was removed by friends in a few days, while the other was committed; four were general paretics, including two concerning whom the diagnosis is still *sub judice*, and one was committed two months after admission, his family being thereby saved from disgrace and financial loss, and one died in six weeks. . . .

"The experimental experience for New York state has ended, and the trial of voluntary admission is abundantly successful and full of promise."

Of the criminal insane, Dr. Sachs says:*

"It is interesting to note how much more frequent insanity is in the criminal classes than in the normal population."

In a paper read in Washington in 1892, Dr. Allison tabulates (see page 38) the crimes committed by 87 court cases now in the New York State Asylum for Insane Criminals.

"Let society proceed with all due vigor against those who are the instigators of crime; let it adopt the most strenuous measures against anarchists. . . . But let the poor unfortunate lunatic or imbecile who has yielded to anarchistic preachings or to the impulses of his morbid mind not suffer the penalty of a crime for

* Sachs, B., M.D.: Insanity and Crime. In A System of Legal Medicine; by Allan McLane Hamilton and Others. E. B. Treat and Co., 1900, Vol. II, p. 175.

which he is not responsible. . . . It is a mistake to think that the insane yield to their impulses without any attempt at self-restraint. Were this true we should have dozens of suicides and homicides for every one that actually occurs. . . . A few years ago an unhappy woman came to my clinic, and stated that whenever she sat down to table with her husband and her five year old child, whom she dearly loved, she felt as though she would seize the knife and kill the child. She stated that she passed through the most intense agony. . . . I told her that she must, of course, control herself under all circumstances, but that it would be advisable for her to separate for some length of time from her child, to which she readily consented. A few weeks later she appeared again, stating that now that the child was away she had exactly the same feelings with regard to her husband, and that unless she were placed under restraint she would some day kill him."

CRIMES COMMITTED BY 87 CASES IN THE NEW YORK STATE ASYLUM

Murder	38
Assaults in the first degree and attempts to kill	18
Dangerous assaults	10
Arson and attempts at arson	8
Burglary and larceny	10
Bigamy	1
Horse stealing	1
Disorderly	1
Total	87

E. Stanley Abbott, M.D., Assistant Physician, McLean Hospital, Waverly, Massachusetts, says of the Maniac-Depressive group of insane:* "The recovery rate here is large, the mortality comparatively low. Believing, as I do, that fatigue is at the bottom of these cases, prophylaxis should be devoted to education of the public in the peril of overwork."

Rentoul, in the introduction to his work, Race Culture or Race Suicide,† says: "Many degenerates are not from the lawyer's standpoint lunatics fit for the asylum; but they are of unsound mind, and fit for medical treatment. Perhaps they might be termed borderland cases, and they will beget children that will probably be congenital degenerates or insane. I do not put forward this suggestion with the view of inducing people to believe that what they term mild cases are the least dangerous. The mild or ill-defined case of degeneracy is by far the most dangerous." On page 25 Dr. Rentoul says with regard to a census table that he uses: "The number of

* *American Journal of Insanity*, July, 1909.

† The Walter Scott Pub. Co., 1906

insane includes only publicly recorded cases. Many do not know how to fill in a census paper; . . . the borderland cases are not included, nor many of the backward or defective; nor does it include alcoholics, drug habitués, nor the highly neurotic who frequently beget degenerates, nor the thousands mentally diseased, in hospitals for diseases of the brain or in the 'infirm' wards of our workhouses, nor the large number of undetected criminals. The public should understand that there is a marked difference between being insane from the medical standpoint and that from the legal standpoint."

The tendency in the more progressive states of the Union to transfer all insane patients from the care and control of counties to the state administration has very important bearings on social protection against the dangerous insane. In local care there is constant danger that the insane may be neglected, abused and given inadequate medical treatment. The evidence gathered in past years demonstrates the undisputed existence of this peril. But society itself, as well as the diseased, suffers from the parsimony, the incompetence and the blunders of local administration; for the insane wander about, escape, return to family life and perpetuate their physical defects. Several states have already adopted the policy of gathering all the insane in state institutions, or in institutions closely supervised and controlled by state medical authority. Wisconsin has retained the county system of care of chronic insane, but placed all the county hospitals under state control. Private asylums and hospitals for the insane are also thus supervised.

The necessity of central control is shown by a French experience. "One of the most serious causes of the inadequacy of the social defense against the insane is found in the necessity of budgets; the support of the indigent insane is at the charge of departments or communes. . . . These communities endeavor to diminish the number of the indigent supported at their expense; and thus the physicians of asylums are often compelled to send out into society dangerous persons. Men of science have long demanded modifications of law on this point."*

Human nature and economic forces are akin in all civilized countries, and the judgment of our American authorities is thus confirmed by European experience. Without a strong central state control neither the means nor the proper medical ability will be provided for full social security.

* Maxwell: Le Crime et la Société, p. 101.

ELIMINATION OF THE UNFIT BY HUMANE METHODS

For a long time in the United States skepticism as to the omnipotence of education of the abnormal and degenerate has gained in extent and influence. The cheerful optimism of Horace Mann* has yielded to a more discriminating and cautious mood. Discussions in the National Conference of Charities and Correction and in the American Prison Association reveal a clear comprehension of the peril of trusting too far to education alone for social protection, and we note a more decided and frequent advocacy of methods which promise to reduce the propagation of the unfit, the vicious and the habitual criminal included. These theoretical discussions have proposed various practical devices: (1) Segregation in custodial colonies; (2) progressive sentences for recidivist offenders, with a tendency toward isolation and segregation in colonies, for life, of members of the incorrigible classes; (3) prohibition of marriage of the degenerate; and (4) various methods of asexualization.†

Segregation in Custodial Colonies

The need for such colonies has long been urged on the ground of local investigations,‡ especially in almshouses. Public conviction has taken form in state institutions very slowly and in comparatively few states, probably owing to the reluctance of legislators to incur the initial expense. The aim of these colonies is to give humane treatment to women of this class, employ them in the necessary occupations of the community in house and field, and prevent at the same time their return to free society, sexual activity and motherhood.

The writer has discussed this need in the following terms:§

"In the field of relief we daily touch the borderline which divides philanthropy from the labor movement. Here is need to apply with utmost caution and rigor our test of social welfare. . . .

* See Chapter VII (Education). Boston, L. N. Ide, 1850.

† Plato saw the necessity for a eugenic policy (The Republic, Book V, Ch. 9), but his method, tolerable in his age, would be morally offensive to us, and totally unnecessary. He would expose the children of the more depraved, the maimed and the lame, to death in some obscure place. He even recommended abortion in case of a sorry prospect for the child.

‡ See 10th Annual Report of New York State Board of Charities. Mrs. Roberts: Almshouse Women. E. P. Bicknell, A. Johnson, A. W. Butler, papers in Bulletins of Indiana Board of Charities, and in proceedings of the National Conference of Charities and Correction. Also *American Journal of Sociology*. Ellwood: Bulletin on Missouri Almshouses. Dept. of Sociol., Univ. of Missouri, 1904.

§ Twenty-sixth National Conference of Charities and Correction, 1899. Proceedings, p. 10.

There is at this point such conflict of supposed interests, such partisan passion, such failure to make due distinctions, that there is serious danger of impeding and hurting the labor movement, the hope of the majority of modern urban populations. . . .

"The studies of Charles Booth in East and South London have given the world a masterly analysis of the stratification of a city population according to economic ability. Some such analysis must be the basis for advance in relief work. To the superficial and careless observer the 'poor' are all very much alike. . . . This superficiality of analysis is fatal to precision and wisdom in treatment. The vast majority of our modern populations have at last been caught up in the current of progress. They have an increasing money income, a longer average life, fewer days of sickness, better morals, and a higher education than the industrial populations of any previous century. For most men the inventions of machinery, and the improved organization of industry, trade and education, have opened a new and higher world. Their very unrest, ambition and clamorous demands are hopeful. Their higher standards of life fill them with an invincible determination to erect a dyke against the floods which threaten that standard. . . .

"But economically, physically, intellectually and morally beneath the self-supporting industrial class is a struggling multitude who cannot share in the dearly bought advantages of the strong. . . . Let us call this multitude the 'Dependents.' But this word dependents is too vague and large for accurate use. Coming closer we discover one line of cleavage which at least helps us a little way—the dividing line between the employable and the unemployable, to borrow a graphic phrase of Sydney and Beatrice Webb.

"How can we apply the principles of selection and education to this motley multitude of the unemployable, and what will be the effect on the employable? . . . It is becoming apparent that vast numbers of the dependents are unemployable because they have no skill. That is what we are told by the superintendents of reformatories and visitors of associated charities. There are men who are strong and willing but awkward. . . . They have never learned the alphabet of the language of mechanic crafts. The ancient apprenticeship system furnished a school for technical training. Our system of division of labor and specialized machine and factory industry has made it impossible to give a broad discipline of the whole man in a shop. If a boy goes early to a machine, it lames and distorts him to its own ends. Thus, our cities have, with every

change of age and method, thrown upon them a considerable number of dwarfed and helpless men who know not what to do and none can tell them. To offer these a free means of employment is a mockery. . . . The world is waking to the fact that many of the unemployable might, by a suitable early education, have been made employable. . . . Modern people are making slight and uncertain experiments with various kinds of agricultural colonies. But agricultural colonies are only another form of social selection of the unfit for humane treatment and painless death. They continue the process of training and classification; but in the last analysis they have proved asylums for the futile residuum of those who cannot find a place in the whirling world of competition. The next step seems to be the final segregation of the incapable in an environment suitable to their condition. . . .

"What is the effect on the self-supporting working people of the outdoor relief given to these unemployables? That is a problem we have not yet dared to face. . . . But there are very competent economists who repeat today the argument of Thomas Chalmers: Outdoor relief, in the form of subsidies to the feeble, is a curse to the wage-worker. It may be found that much of outdoor relief is just an indirect way of hiring people, who cannot produce their maintenance, to underbid workingmen in the market. If this be found true, social duty is clear; remove the incapable to non-competing colonies and permit the capable to maintain their standard of life without the weight of this competition about their necks. . . . In agricultural, self-supporting colonies, under state direction, they might become more nearly capable of producing their maintenance than now, and it is certain that not so much of the money would go to liquor, tobacco or sensual vice. But here again the breeder's principle of artificial selection must be vigorously applied; there would be no infants in these colonies of residuum. The colony must not become a nursery of the incompetent." And again (page 8 of same volume):

"Moving across the uncertain and shadowy borderland between crime and defect, we come to the region of the insane. Here again, the social ends of education and selection are coming to control and direct all the parts and details of the systems of care. Sometimes one object is more conspicuous, and then the other; but in no single case is either excluded. So long as there is hope of cure our states are lavish in expenditure. . . . But when the real and disappointing truth (that the insane can seldom be cured) slowly spreads

over the professional and public mind, men begin to think of prevention, of child-care, and of safe and humane custody. Not that any known means of cure is neglected. Hope, cheer and education are still provided for those who wearily wait in the dim starlight for the flash of restored reason.

"In the case of the feeble-minded the principle of social selection may be said to control methods. Everything is subordinated to the end of closing out the stock of a hopelessly degenerate line. We sometimes use the harsh word 'extermination.' But our system is based on an absolutely different motive from that which inspired the ancient and savage customs of infanticide and exposure. It is beautiful, though pathetic, to move about with the teachers of an asylum for the feeble-minded. Here all are 'children,' even when the wrinkles and stoop and grayness of advanced years betoken passage to adult life.

"In this field we have an illustration of the social value of statistics and records which some so-called 'practical' people affect to despise. The studies of families of degenerates in New York and Indiana may be cited as typical examples of the importance of exact and scientific histories of the wards of society, if we are to guide legislation by facts rather than by hasty guesses and crude speculation.

"These studies seem at this hour to show us plainly that a vigorous policy of segregation of pronounced degenerates for two or three generations would reduce the defective stock to fairly manageable proportions. It must be remembered that degeneracy assumes many forms, and may appear in the various children of the same parents as inebriety, crime, insanity, idiocy, or mere futility. So closely are all members and institutions of society organically bound together that the treatment of the feeble-minded must affect every problem of poor-relief, crime, insanity, intemperance.

"Yet, while we aim at social selection by custody in asylums, we care for the individual. The imbecile is educated, as far as his slow brain can go, as thoroughly as the university candidate for the doctorate. Indeed, certain problems of the highest educational process can be studied in the school for the feeble-minded as in no other place. Who shall say in advance of trial that these institutions may not in the end contribute more to science and to the art of pedagogy than they have ever cost the states which support them! Nothing is made in vain. No person is to be cast in the rubbish heap and declared useless. We must know more and delve deeper before we

pronounce judgment on that subject. Meantime we protect future society by providing that none of these unhappy children shall ever become parents, and yet that they shall be given, as far as possible, the rational pleasure and education of regular productive industry and instruction and social fellowship, not without gleams of happiness breaking through rifts in the clouds."

An investigation made in Massachusetts illustrates the necessity for segregation of the feeble-minded.* The occasion of this article is the result of an investigation into the question of what proportion of the inmates of the State Industrial School for Girls at Lancaster, Mass., were "suitable subjects for custodial care in the Massachusetts School for the Feeble-minded at Waverly," and of a second similar investigation concerning the Lyman Boys' School, Westboro, Mass.

The study of the girls led to the conclusion that a certain portion of the inmates of the Industrial School were clearly in need of custodial care, and if these could all be sent to Waverly the result would be that "the school and the parole department would be set free for their legitimate work of reinstating in the world girls whom there is at least a fighting chance of reclaiming. The state would be saved great expense from the breeding of defective and diseased children. The community would be protected from demoralization, it being almost worse for girls of this type to marry and rear children than to become prostitutes. A class of peculiarly defenseless girls would be protected from misery and degradation."

The result of the investigation of the Lyman School for Boys is a surprising contrast. The number of feeble-minded and subnormal cases identified was unexpectedly small. Some did not prove to be feeble-minded, and those who were so developed a surprising ability to get on in the world. The "known failures have all been among the higher grade cases, who are not feeble-minded and who if they injure society must be dealt with as criminals."

The article explains these conclusions, suggesting that fewer feeble-minded boys get into reform schools for various reasons: Sexual fault in a boy is not dealt with; feeble-minded boys do not offend against propriety for very lack of enterprise, whereas girls of that type are made a prey by bad men. Boys as they get older are more likely to be disciplined by work. Girls can support themselves by vice. With boys the lack of money may serve as a check to vice.

* Evans, Elizabeth G., and Dewson, Mary W.: Feeble-Mindedness and Juvenile Delinquency. *Charities and the Commons*, May 2, 1908.

It is held that they satisfy desire by self-abuse, while such practices in women only whet desire.

The tendency of expert opinion and of public action is shown in the following statements:

Resolutions adopted by the Association of American Institutions for the Idiotic and Feeble-minded in June, 1888.

(1) That it is in the interests of society to separate the feeble-minded from their homes and the communities in which they live, and provide for and keep them under state supervision and custody.

(2) That no idiot or imbecile child of school-attending age, or idiot or imbecile woman of child-bearing age, should be taken care of or provided for in any almshouse, place, or receptacle where paupers are maintained or supported.

(3) That for the adult portion, with a mental capacity sufficient for the performance of labor, farms and shops should be added, and industries established and maintained, that their labor may be utilized for the benefit of the state.

Mr. Alexander Johnson of Indiana said:*

"I do not believe there is any work so statesman-like, humane and Christian as the care of the feeble-minded of the state. We find training through the hand, what is commonly called manual training, more successful than through the eye and ear only. . . . What we need now is to adopt the principle of custodial care. Let it be understood that every imbecile is there for life, unless he or she can become competent to go out as an ordinary free citizen."

We cite also the report of the Committee on the Care and Training of the Feeble-minded, Isaac N. Kerlin, M.D., Chairman.† The report says in substance:

(1) It having been demonstrated that the great majority of idiotic and feeble-minded children are susceptible of physical and mental improvement wherever education has been granted to them, it is therefore claimed that they are entitled to public provision for such education and training.

(2) It is urged that institutions and asylum homes be created as early as possible for those whose necessities demand such provision.

(3) An approximate analysis shows that one-fifth of this class is never likely to be dependent on public or other means of support;

* Sixteenth National Conference of Charities and Correction, 1889. Proceedings, p. 318.

† Fifteenth National Conference of Charities and Correction, 1888. Proceedings, pp. 99–100.

that nearly three-fifths are distributed among the middle and poorer classes, and that the rest are of pauper origin.

(4) Twenty years' experience has shown that, of those who are received and trained in institutions, ten to twenty per cent are so improved as to be able to enter life as bread-winners; that from thirty to forty per cent are returned to their families so improved as to be self-helpful, or at least much less burdensome to their people; and further, and of greater importance, that one-half of the whole number will need custodial care so long as they live.

(5) It is shown that those who need custodial care so long as they live are divisible into two classes: first, those who by reason of epilepsy, paralysis, etc., joined with profound idiocy, need the same protection we give to infancy; second, those who possess excellent physical powers and are trained to a high degree of elementary capacity, but are yet so lacking in judgment and in moral sense as to be unsafe members of the community, and, if discharged into it, contribute largely to the criminal classes, or, falling victims to the depraved, are adding to the bulk of sexual offense and to the census of incompetency.

(6) It is earnestly urged that the best disposal to be made of this large class of the permanently disabled is to place it in custodial departments of institutions for feeble-minded persons, in buildings judiciously remote from the educational and industrial departments, but under the same merciful system that inspires hope and help for the lowest of our humanity.

Dr. Kerlin, in a later report, discusses the "moral imbecile" as follows:*

"If we could come to the conclusion that we have a class of little children whose heredity and aberrations are such as to make them predestined inmates of our insane hospitals and jails, what an advance we would make in the diminution of crime and lunacy by a methodized registration and training of such children, or, these failing, by their early and entire withdrawal from the community. Instead of so much interest being centered about the seventy-five per cent discharged annually from your refuges, alleged to be reformed and fit for society, a no less interest would be displayed in the block residuum of twenty-five per cent who are also discharged to be as yet unaccounted for in the statistics of reformatory work, but pariah like, to add a contribution of evil to society which will shadow

* Seventeenth National Conference of Charities and Correction, 1890. Proceedings, p. 244.

if not eclipse the accredited value of our whole reformatory work. Cannot an almost unerring decision be made by trained experts of our asylums, jails and reformatories, by which indeterminate sequestration, under the best conditions for their moral and physical welfare, shall be the practice of those who are congenitally unfit to mingle their lives and blood with the general community? . . .

"It is only a step further to analyze this heterogeneous mass into curable and incurable, and to restrain the undue haste in thrusting the incurable out upon a world for which they are utterly unfit, where they poison and contaminate as many more, and, after taxing society with their prolific and indiscreet reproduction, are drifted at last into poorhouses, jails and hospitals of the commonwealth."

At the Eighteenth National Conference the Committee on Care of the Feeble-minded, Wm. B. Fish, M.D., Chairman, reported:* "Your Committee believes that the colony plan for the idiotic meets the requirements of all. . . . We believe that separate buildings should be erected under the same management for the custodial care of both sexes. . . .

"We believe that epileptics and paralytics should not, on account of their physical infirmity, be debarred from the social life and amusements of the training school.

"We believe that adult cases of idiocy, those possessing brawn and muscle, can, in the custodial building, the laundry, the workshop, and the farm colonies, be made useful to the state, useful to the more helpless, to whom they can render competent direction and care, etc."

At the Fifteenth National Conference, A. C. Rogers, M.D., Superintendent of the Minnesota School for Feeble-minded, spoke of The Functions of a School for Feeble-minded as follows:†

(1) To make imbeciles, so far as possible, respectable, self-supporting members of society.

(2) To improve and render efficient as helpers those who cannot be made self-supporting.

(3) To place and retain under proper guardianship the latter, and those who cannot be improved, thereby relieving our American homes of the demoralizing influence of their presence, and limiting the reproduction of *inherited idiocy.*

* Eighteenth National Conference of Charities and Correction, 1891. Proceedings, p. 102.

† Fifteenth National Conference of Charities and Correction, 1888. Proceedings, pp. 101–102.

(4) To investigate the nature, distinctive characteristics, and etiology of feeble-mindedness.

Geo. H. Knight, M.D., in discussing the Colony Plan for the Feeble-minded,* said: "The custodial care must be for a life-time," and at the same conference Dr. Wm. Fish urged the desirability of the colony plan.

In the report of the Pennsylvania Training School at Elwyn,† we read:

"In this enumeration of facts is shown the advance made in different avenues specifically indicated and arranged for the different grades of defect. In it is also shown the trend of our system which, by means of successive and prolonged periods of preparation, practice and apprenticeship, aims to establish and to maintain a band of workers, giving more or less efficient aid in every department while still under training. . . . Toward this goal we have gradually advanced, and the present preponderance of the brighter ones over lower grades, in the training department, would encourage the hope of early attainment, were it not that our aim on the eve of fulfillment is unfortunately frustrated by untimely withdrawals. This loss is accentuated by the youth of those more recently admitted, offering but slight prospects of promotions during the year, while the new recruits in the manual and industrial ranks, as having hardly completed their preparation, must perforce advance slowly. . . .

"We have now reached a point when we can go forward only by means of an extension under protection; protection best secured by a resolution looking to the indeterminate surrender of the child when committed to us, until in our judgment our work of both preparation and practice is for him completed. In this we would but emulate the example of a sister institution, the Wisconsin Home holding just such authority over its pupils, with results equally beneficial to them, to society and to the work of the institution."

The specialists of Michigan have advocated this policy in relation to the feeble-minded and epileptic. The following action was taken by the state conference at its session in 1907,‡ and has been approved by the Michigan Board of Corrections and Charities:

"That we endeavor to secure legislation for the adequate enlargement of the Home for the Feeble-minded and to make the ad-

* Nineteenth National Conference of Charities and Correction, 1892. Proceedings, p. 155.

† Fifty-fifth Annual Report of the Pennsylvania Training School for Feeble-Minded Children, Elwyn, Delaware County, 1906–1907.

‡ Michigan Board of Corrections and Charities. Report, 1907–1908, p. 3.

mission compulsory and under the same procedure as the admission of the insane to the asylums on a petition and by an examination by competent physicians. A feeble-minded or epileptic person should be brought into court on a petition by the proper officers or an interested party, and medical examination ordered, and, if the condition warrants, and if it would be for the best interests of society, the person so found should be placed in the Home at Lapeer, or some place provided by the state for the care of these unfortunates. Many of these people marry and raise, or allow others to raise for them, idiots, half-wits, epileptics and criminals, and are not fit to discharge the duties of citizenship, nor to be the fathers and mothers of the future generation. We must go further back if we wish to economize on the building of asylums, poorhouses and jails."

In a report of the Indiana School for Feeble-minded Youth the following language is used:

"The Board of Trustees make the following statement in reference to the state making provision and care for the feeble-minded women; the reports we have made during the years of this institution's life, and especially during the past five or six years, have emphasized and re-emphasized the importance of making provision for the whole class of idiotic and imbecile women of child-bearing age, as a protection to the state against the continual increase of the degenerate and dependent classes. We have demonstrated the fact that it is possible so to train a proportion of the feeble-minded that they shall, approximately, be self-supporting. We have shown an annually decreasing per capita cost, from $239 in 1889, to $133 in 1900; a decrease largely due to the profitable employment of our trained inmates, who are, and should be, permanent residents of the institution."

The Board of Charities of the District of Columbia reports: *

"The need for segregation of the feeble-minded is constantly emphasized by the experience of this board. The public wards of the maternity hospitals especially furnish examples of the great menace to the community of allowing the feeble-minded to reproduce their kind. Girls of this unfortunate class are peculiarly liable to become the prey of unscrupulous men. We cannot too strongly emphasize the importance of permanent segregation of this class."

The following document has high value as a statement of experts:

To the Honorable, the Senate and the House of the Forty-sixth General Assembly of the State of Illinois:

* Board of Charities of the District of Columbia. Report, 1908, p. 10.

Gentlemen: The National Association for the Study of Epilepsy and the Care and Treatment of Epileptics, in eighth annual convention assembled, respectfully petitions your honorable body to appropriate sufficient funds to establish an epileptic colony in Illinois, under the provisions of a statute enacted by the Forty-first General Assembly of your state. We feel justified in making this petition, because the manifest humanity of the colony system is reinforced by experience in many American states and abroad, which experience has proved that the colony plan is the most practical and the most economical method of meeting the great human problem of the proper treatment and care of the epileptic. A most significant verification of this statement is found in the decision of the New York state legislature to create a second epileptic colony on the basis of the success of the first epileptic colony at Sonyea and of the agitation in the state of Ohio to create a second epileptic colony on the basis of the success of the first epileptic colony at Gallipolis.

Public Care of the Epileptic

. . . Following the lead of Ohio, which in its institution cares for both sane and insane epileptics, New York was the second American state to found an epileptic colony. This was at Sonyea, in 1894. This institution is for sane epileptics. Following New York, Massachusetts, New Jersey, Kansas, Missouri, Texas, Indiana and Pennsylvania have been added to the list. Virginia and North Carolina have made provision for epileptic colonies.

In the United States to-day there are the following state colonies:

State	*Population*
Ohio	1,377
New York	1,237
Massachusetts	700
Pennsylvania	600
New Jersey	266
Kansas	400
Texas	286
Missouri	150
Indiana	87
	5,103

Colonies, with their large farms, provide this work to advantage and are thoroughly proved to be the most satisfactory method of treating and caring for the disease.

Segregation in special institutions has another great advantage. It prevents the propagation of the disease by the marriage and intermarriage of epileptics. The great advantages of this are lessened in some states by the fact that the colonists are voluntary inmates of the colony and cannot be held against their will except in cases where their condition is immediately dangerous to themselves or to others. . . .

Economic Side of the Question

The economic side of the question is also of importance. The epileptic is not generally capable of self-support and is often a charge on his family. In an institution where there are many like him, special provision can be made to utilize his work to the fullest extent. This, of course, should be the case with every public charge. Each should return to the state for his treatment and care as great an equivalent in work as is possible. Because of this work the public cost of maintaining the epileptic is less than the cost of maintaining the insane. The average earnings of the epileptics in the Craig Colony at Sonyea, N. Y., is $35 per annum.

Therefore the National Association for the Study of Epilepsy and the Care and Treatment of Epileptics presents this memorial to the duly chosen representatives of the people of the State of Illinois and respectfully petitions the Forty-sixth General Assembly, by appropriating sufficient funds, to build, equip and maintain a State Colony for Epileptics.

At the National Conference of Charities and Correction in 1884, at St. Louis, Dr. Kerlin said:*

"There is no field in political economy which can be worked to better advantage for the diminution of crime, pauperism, and insanity, than that of idiocy. The early recognition of some of its special, upper, and more dangerous forms should be followed by their withdrawal from their unwholesome environment and their permanent sequestration before they are pronounced criminals, and have, by the tuition of the slums, acquired a precocity that deceives even experts. Only a small percentage should ever be returned to the community, and then only under conditions that would preclude the probability of their assuming social relations under marriage, or becoming sowers of moral and physical disease under the garb of professional tramps and degraded prostitutes. . . .

"How many of your incorrigible boys, lodged in houses of refuge to be half educated in letters and wholly unreached in morals, are sent out into the community the moral idiots they were at the beginning, only more powerfully armed for mischief? And pauperism breeding other paupers, what is it but imbecility let free to do its mischief?"

An inquiry concerning the care of feeble-minded women was carried on by the state board of charity of Massachusetts, as follows:†

On December 19, 1907, the board addressed the following inquiry to the state boards of charities or other available authorities of the several states of the Union:

* Proceedings, p. 257.

† Massachusetts State Board of Charity. Annual Report, 1908, pp. 12–14.

"The State Board of Charity of Massachusetts is desirous of obtaining information regarding the law and the practice in other states of the Union relative to the care of women, not technically feeble-minded, but more or less weak in intellect, who have given birth to illegitimate children.

"Will you have the kindness to inform me what provision is made in your state, whether by legal enactment or otherwise, for the segregation and special care of this class of persons in almshouses or other places of detention?"

The following is a summary of the replies:

Of the 46 states and territories addressed, answers were received from all excepting Alabama, Louisiana, Mississippi, New Jersey, and South Carolina. Of these, 18 state that they make no provision for the class of persons concerned, viz., Arkansas, California, Colorado, Delaware, Florida, Idaho, Kansas, Kentucky, Montana, Nebraska, Oregon, South Dakota, Texas, Vermont, Washington, Wyoming, Arizona, and District of Columbia; and 11 state that such persons are cared for to a greater or less extent in almshouses, viz.: Connecticut, Georgia, Illinois, Maryland, Michigan, Missouri, North Carolina, Rhode Island, Tennessee, Virginia, and West Virginia.

Indiana reports that there is a custodial department in the state school for feeble-minded, to which feeble-minded women between the ages of sixteen and forty-five may be committed by the court.

Iowa reports that women of this class up to the age of forty-six years may be admitted to the institution for feeble-minded children.

Maine reports that there has been no provision hitherto, but the legislature of 1907 established the Maine School for Feeble-minded where it is intended to care for women of the class concerned.

Minnesota reports that provision is made for such women in the custodial ward of the school for feeble-minded.

Nevada reports that there is no provision, except possibly commitment to the asylum for the insane.

New Hampshire reports that such cases are cared for in almshouses, where they are sometimes detained as long as the county commissioners think it advisable.

New York reports that provision is made for such cases in the Newark State Custodial Asylum for Feeble-minded Women.

North Dakota reports no provision, unless such women may possibly be provided for in the state institution for feeble-minded.

Ohio reports that such persons have been sent to county in-

firmaries, and that a number of the women inmates of the institution for feeble-minded might be classed as weak-minded.

Pennsylvania reports that some are cared for in state institutions for feeble-minded and some in county almshouses.

Utah reports that there is no special institution for the care of these cases, but that in Salt Lake City there is an organized society for this and other purposes.

Wisconsin reports that there are some such cases in the Home for Feeble-minded.

Concerning the epileptic village at New Castle, Indiana, the Indiana Bulletin on Charities and Correction (Sept. 20, 1908) says:

"The law provides that the village shall receive its patients first from the poor asylums, jails, orphans' homes, or other county institutions; then from dependent or other indigent classes elsewhere in the state, outside of institutions; and third, from state hospitals or institutions, upon the recommendation of the superintendent of such institutions: Provided, that no helplessly nor violently insane person shall be transferred to the Indiana Village for Epileptics. Hopeful cases shall, in all instances, have the preference in all admissions."

In 1906 Massachusetts arranged for the establishment of a school for the feeble-minded, arrangements being made for custodial care.

April 3, 1906, Maryland made a law to receive at the Maryland Asylum and Training School for Feeble-Minded, idiotic, imbecile or feeble-minded patients, to be taken as wards of the state subject to custody and discharge to institutional board.*

Cumulative or Progressive Sentences

Thus far only partial success can be attributed to the prolonged efforts to impress the public and the authorities with the danger of permitting confirmed enemies of society to be at large. Such men not only give great trouble to the police and property owners and render life insecure, but they corrupt the young and some of them are likely to be progenitors of defective offspring. They are certainly unfit to educate children.

There are several serious difficulties in the way of securing and administering laws based on the principle of segregating habitual criminals by permanent confinement. Thus far we have not fully developed a system of identification and registration of dangerous

* From New York State Library. Index to Legislation, Vol. 8.

offenders. It is still easy for recidivists to assume an *alias*, change their appearance and move from place to place without leaving any trace. When arrested for a crime they can frequently plead that it is their first offense and it is impossible for the state's prosecutor to secure evidence that they are in fact recidivists. Very often this fact is first discovered by the officers of the prison; but then it is too late for the court to take former offenses into consideration.

Another obstacle is the deeply rooted habit of thought of lawyers and judges that the "punishment must fit the crime" and not the criminal. It will require a long time for men trained in the law of the past to escape from the power of this fiction of abstraction,—the notion that for each kind of offense a specific quantity of pain can justly be meted out as a kind of recompense or expiation. So long as the chief factor in measuring the length of confinement is the amount stolen rather than the character of the offender, little progress can be expected. It is of course admitted here that many dangerous criminals are not physically abnormal and therefore likely to be parents of defective children.

It has been objected to the cumulative sentence that it is unjust and arbitrary, and likely to be oppressive. But judicial revision of such sentences could easily be provided which would remove all ground for this objection.

It has been urged that the prolonged incarceration of a large number of incorrigible criminals would involve a serious burden on taxpayers, since the prisons and penal colonies would have to be greatly enlarged. Over against this objection may fairly be urged that incorrigible criminals in freedom are a still greater cost to society; they must be watched by police, must be frequently apprehended and tried in courts at great expense, are frequently diseased and morally unfit to be parents, and thus indirectly add to the financial burdens of society. While the initial expense of progressive sentences might be greater than short sentences, the ultimate economy of the policy seems certain.

In spite of these difficulties some genuine progress toward the idea of social protection by elimination through progressive sentence and practically life confinement may be noted.* It is asserted on excellent legal authority, that both in legislation and in judicial

* The discussion of the habitual criminal laws or progressive sentences belongs in the volume prepared by my eminent colleague, Mr. Eugene Smith, a lawyer who is hospitable to the new social philosophy, as was Mr. Charlton Lewis. See Criminal Law in the United States, by Eugene Smith, in the volume of this series entitled Prison Reform and Criminal Law.

sentences a habitual criminal, if known to be such, will usually receive a longer sentence than a young or accidental offender. Character is taken into account. But without very well defined statutes, and in the absence of a thorough and general system of identification, the principle cannot be carried out adequately.

The report of the committee on criminal law reform to the American Prison Association, 1908 (page 217), says: "Some states have provided that upon the fourth conviction of felony the sentence shall be imprisonment for life, but after serving a period of time equal to the maximum penalty prescribed for the offense of which the person is convicted, less the usual commutation for good conduct, he may be paroled but cannot be absolutely discharged. The persons who have thus enlisted for the war on society should have few furloughs."

Judge Wayland* said: "The habitual criminal should be confined for life, the habitual pauper also, and the habitual and incorrigible drunkard at least until a committee decide him to be well enough to be released. That would dispose of that phase of marriageable persons of the community. . . . Keep them apart; it will go a great way toward preventing the advent of children into the world."

Regulation and Restriction of Marriage

It has been urged for many years that persons dangerous to society, either from deep physical infirmity or depraved character, should not be permitted to have children; and laws restricting marriage for such persons have actually been passed in some states. Indeed, the idea in a general form has found expression in the marriage laws of many states.†

New Jersey. Law of 1904: "It shall be unlawful hereafter for any person who has been confined in any public asylum or institution as an epileptic, or insane, or feeble-minded patient, to intermarry in this state, without a certificate from two regularly licensed physicians of this state that such person has been completely cured of such insanity, epilepsy, or feeble mind, and that there is no probability that such person will transmit any of such defects or disabili-

* National Prison Congress. Proceedings, 1902, p. 98.

† It should be noted that matters relating to marriage and the family are regulated by each state in its own laws, the federal legislature having jurisdiction in such affairs only in the District of Columbia and in territories. See Howard, G. E.: History of Matrimonial Institutions.

ties to the issue of such marriage; any person of sound mind who shall intermarry with any such epileptic, insane or feeble-minded person, with knowledge of his or her disability, or who shall advise, aid, abet, cause, or assist in procuring any marriage contrary to the provisions of this Act shall be guilty of a misdemeanor."

OHIO. Law of 1904: "Previous to persons being joined in marriage, notice thereof shall be published (in the presence of the congregation) on two different days of public worship; the first publication to be at least ten days previous to such marriage, within the county where the female resides; or, a license shall be obtained for that purpose from the probate judge in the county where such female may reside; and no license shall be granted where either of the parties applicants therefor, is an habitual drunkard, epileptic, imbecile, or insane, or who at the time of making application for said license is under the influence of any intoxicating liquor or narcotic drug."

INDIANA. Law of 1905: "No license to marry shall be issued where either of the contracting parties is an imbecile, epileptic, of unsound mind, or under guardianship as a person of unsound mind, nor to any male person who is, or has been within five years, an inmate of any county asylum or home for indigent persons, unless it satisfactorily appears that the cause of such condition has been removed, and that such male applicant is able to support a family and likely to so continue; nor shall any license issue when either of the contracting parties is affected with a transmissible disease, or that at the time of making application is under the influence of an intoxicating liquor or narcotic drug."

MINNESOTA. Revised Statutes, 1905, Section I: "No woman under the age of forty-five or man of any age, except he marry a woman over the age of forty-five, either of whom is epileptic, imbecile, feeble-minded, or afflicted with insanity, shall hereafter intermarry or marry any other person within this state. It is also hereby made unlawful for any person to marry any such feeble-minded, imbecile, or epileptic person, or any one afflicted with insanity.

Section II. "No officer authorized by law to issue marriage licenses in this state shall hereafter issue such a license to any persons either of whom is afflicted with any of the diseases mentioned in Section I of this Act, knowing them to be so afflicted, unless the female party to such marriage is over the age of forty-five years."

Sections III and IV forbid clergymen and others authorized

to perform marriage ceremonies to unite those afflicted as above and provide a penalty of $1,000 fine, or three years' imprisonment, or both.

Affidavit must be made to all the facts by the one who secures the license to marry.

MICHIGAN. Law on Marriage (1867):* "No insane person, idiot, or person who has been afflicted with syphilis or gonorrhoea, and has not been cured of the same, shall be capable of contracting marriage. . . . Any person who has been afflicted with syphilis or gonorrhoea and has not been cured of the same, who shall marry, shall be deemed guilty of a felony; and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than four hundred dollars or more than one thousand dollars or by imprisonment in the state prison at Jackson not more than four years; or by both such fine and imprisonment in the discretion of the court. . . . And provided further that in all cases arising under this Act any physician who has attended or prescribed for any husband or wife for either of the diseases above mentioned shall be compelled to testify to the facts found by him in such attendance."

In 1905 another act was introduced, which goes much farther than the first: "No insane person, idiot, or person who has been afflicted with syphilis or gonorrhoea, and has not been cured of the same, shall be capable of contracting marriage. Any person who has been afflicted with syphilis or gonorrhoea, and has not been cured of the same, who shall marry, shall be deemed guilty of a felony; and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars; or by imprisonment in the state prison at Jackson not more than four years; or by both such fine and imprisonment at the discretion of the court. . . . No person who has been confined in any public institution or asylum as an epileptic, feeble-minded or insane patient, shall be capable of contracting marriage without or before the issuance of the county clerk of the license to marry, filing in the office of the said county clerk a verified certificate from two regularly licensed physicians of the state that such person has been completely cured of such insanity, epilepsy, imbecility, or feeble-mindedness, and that there is no probability that such person will transmit any of such defects or disabilities to the issue of such marriage. Any person of sound mind who shall intermarry with such insane person, or idiot, or person who has been so confined as

* Taken from Rentoul, Race Culture or Race Suicide, p. 133. London, The Walter Scott Pub. Co., 1906.

an epileptic, feeble-minded, imbecile, or insane person in any public institution or asylum, except upon the filing of certificate as herein provided, with knowledge of the disability of such person, or who shall advise, aid, abet, cause, procure or assist in procuring any such marriage contrary to the provisions of this section, shall be deemed guilty of a felony; and on conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not more than one thousand dollars or imprisonment in the state prison at Jackson for not less than one year or more than four years; or by both such fine and imprisonment in the discretion of the court."

A synopsis of this law is printed on the back of an affidavit, which one must make on applying for license to marry. The affidavit relates that the applicant is acquainted with the provisions of the law and that no legal impediment exists. Both parties must appear before the clerk who issues the permit to marry.

DELAWARE. Act Concerning Marriage. Revised Statutes, 1893: "If any pauper supported in the almshouses shall marry, he shall be dismissed. If the overseer consent to such marriage, he shall be removed. If any minister of the gospel shall knowingly solemnize such marriage, he shall be guilty of a misdemeanor, and shall be fined $50."

CONNECTICUT. Law of 1895: "No man and woman, either of whom is epileptic, or imbecile, or feeble-minded, shall intermarry or live together as husband and wife, when the woman is under forty-five years of age.

"Any person violating, or attempting to violate, any of the provisions of this section shall be imprisoned in the state prison not less than three years.

"Every man who shall carnally know any female under the age of forty-five who is epileptic, imbecile, or feeble-minded, or pauper, shall be imprisoned in the state prison for not less than three years.

"Every man who is epileptic who shall carnally know any female under forty-five years, and every female known by any man who is epileptic, imbecile, or feeble-minded, shall be imprisoned in the state prison for not less than three years."

KENTUCKY. Statute, May 16, 1893, Section 4615. K. S., Revised, 1909: "Prohibits and declares void marriage with an idiot or insane person."

SOUTH CAROLINA. Section 2658, Civil Code: "Forbids marriage of idiots and lunatics."

Utah. Section 1183. Compiled Laws of 1907: "Other void marriages. Marriages prohibited and declared void: With an idiot, lunatic, or person afflicted with syphilis or gonorrhoea that is uncured, or person subject to chronic epileptic fits; provided that the last qualification shall not apply to a female over the age of forty-five years."

Of recent years the futility of such legislation has become apparent. Propagation of the irresponsible, abnormal and criminal goes on without regard to legal wedlock. The anti-social man or woman cares nothing for the conventions of orderly society or the sanctions of law and religion. Only those who have some sense of social obligation are deterred from sexual intercourse or even from marriage by such laws, and in all circles of society the sense of responsibility for the physical quality of offspring has remained in a backward state of development. It is the realization of these facts which is now creating a general approval of segregation and asexualization. Of the former we have already spoken; the more radical measure deserves some notice.

Euthanasia and Asexualization

The proposition to kill the degenerate and unfit after a medico-legal judgment of their incurability and incorrigibility has awakened no echo of sympathy in the United States.*

Dr. F. H. Wines, in a session of the American Prison Association, showed the impossibility of this scheme in an analysis and criticism which was received then as final. The policy of euthanasia is advocated by Dr. Wylm in La Morale Sexuelle.†

The policy of asexualization, pronounced by many competent physicians to be relatively free from danger and often helpful to individual health, has been earnestly advocated by both men and women who command public attention and confidence. Both in the National Conference of Charities and Correction and in the American Prison Association this measure has been seriously considered. But neither association has committed itself to the policy which at present is open to serious if not fatal objections.‡

* See McKim, Dr. W. D.: Heredity and Human Progress, 1900.

† Wylm, La Morale Sexuelle. Paris, Alcan, 1907. See also Maxwell, p. 130, note.

‡ Dr. Ransom, in his article on Sterilization of Criminals, in the volume of this series entitled, "Penal and Reformatory Institutions," has presented a sober and balanced view of the arguments so far as institutional administration is concerned. The materials here given are intended to supplement his statement and indicate the relations to prevention.

We learn incidentally of physicians in hospitals for the insane, schools for the feeble-minded, and infirmaries of prisons, performing the operation for the benefit of the individual patient, simply as a part of legitimate medical or surgical treatment, as a relief of distress in nervous disorders, or as a help to diminish masturbation. But no records are kept or published, and some inquiry has seemed to show that no information of much value would reward an investigation. The physicians would not yet feel it safe to publish their methods.

In the state of Indiana this policy, after tentative experiments by Dr. A. C. Sharp in the reformatory at Jeffersonville, on the ground of personal requests of the young convicts, has been embodied in a law. This law, which seems to be the first of the kind in the civilized world, rests on the principle of social protection and prevention of evil, as well as on the basis of individual benefit. The motives and methods of this legal policy of Indiana* have been clearly set forth in papers read before the American Prison Association and in discussions of these papers.

Two methods of asexualization have been recommended and exceptionally employed, castration, and ligation or separation of the vas deferens or the corresponding tubes in the female.

Castration has frequently been urged in the southern states of the Union in case of attempted rape, especially by Negroes. It is thought this would have a deterrent effect on those tempted to commit this monstrous crime; that it would be especially frightful to a Negro; and that it would in some degree arrest the propagation of undesirable citizens. The less severe and less dangerous method is thought to be sufficient for most cases of degenerates.

Dr. Sharp quotes the following authorities as to this and some similar plan:

Dr. Rentoul, Liverpool, advocates that sterilization by this method be legalized.

Sir John McDougall, Chairman of the Asylum Committee, London County Council, has said: "Some day we shall come to the conclusion that some physical means should be employed to prevent the unfit from producing children."

Earl Russell, of London, said: "I think it admits of little doubt that if the ruling classes of the country, in Parliament, and in the law were composed entirely of people of adequate medical knowl-

* Dr. Ransom gives the text of this law. See reference in footnote on the preceding page.

edge, some such remedy as this suggested would soon become a law of the land."

Dr. Barnardo left on record these words: "Some step will have to be taken in the near future if we are to protect the nation at large from a large addition to the most enfeebled, vicious, and degenerate type."

Dr. Bevan Lewis, of England: "Nothing short of such radical means can stem the tide of degeneracy."

Dr. Barr, in his work, Mental Defectives, says: "Let asexualization be once legalized, not as a penalty for crime, but a remedial measure preventing crime and tending to future comfort and happiness of the defective; let the practice become common for young children immediately upon being adjudged defective, by competent authority properly appointed, and the public mind will accept it as an effective means of race preservation. It would come to be regarded, just as quarantine, a simple protection against ill."

Charles V. Carrington, M.D., writes of sterilization of habitual criminals:* "Our juvenile courts, reformatories, probation officers, societies for aid to the discharged convicts—all are doing splendid work. Prevention is practically their motto, and is the motto of every person interested in the handling of criminals. After ten years of investigation as prison surgeon, and during that time seeing and treating thousands of our criminals, black and white, I am unreservedly of the opinion that sterilization of our habitual criminals is a proper measure." . . .

Dr. Potter† is quoted as saying apropos of the way in which a criminal home becomes the center of crime for a whole community: "I think this matter will doubtless be given proper attention, but not until people come to see that a man or woman who proves himself or herself to be a confirmed criminal should be put into such a condition that their crowd shall not be allowed to increase."

The Committee on Criminal Law Reform of the National Prison Association in the report of 1907 says: "A further measure calculated to minimize the cause of the race problem will be found in statutes providing that in prosecutions for rape, assault with intent, incest and sodomy, the jury trying the issue shall have the power to specify sterilization of the defendant, in addition to the penalties for such crimes now prescribed."

On page 52 of the Report of National Vitality, July, 1909, after

* National Prison Congress, 1908. Proceedings, p. 174.

† National Prison Association, 1905. Report, p. 153.

discussing the Indiana law concerning sterilization and the laws forbidding marriage of degenerates, the writer says: "That laws like the one discussed, but of gradually increasing severity, will become common in the future seems likely; and, as Professor Lankester has remarked, humanity will probably submit in the future to communal restriction of the right to multiply with as good grace as it has given up the right to rob and rape."

California has entered upon the same experiment, as shown in a recent law, approved April 26, 1909:

Section 1. "Whenever in the opinion of the medical superintendent of any state hospital, or the superintendent of the California Home for the Care and Training of Feeble-Minded Children, or of the resident physician in any state prison, it would be beneficial and conducive to the benefit of the physical, mental or moral condition of any inmate of said state hospital, home, or state prison, to be asexualized, then such superintendent or resident physician shall call in consultation the general superintendent of state hospitals and the secretary of the state board of health, and they shall jointly examine into all the particulars of the case with the said superintendent or resident physician, and if in their opinion, or in the opinion of any two of them, asexualization will be beneficial to such inmate, patient or convict, they may perform the same; provided, that in the case of an inmate or convict confined in any of the state prisons of this state, such operation shall not be performed unless the said inmate or convict has been committed to a state prison in this or in some other state or country at least two times for some sexual offense, or at least three times for any other crime, and shall have given evidence while an inmate in a state prison in this state that he is a moral and sexual pervert; and provided further, that in the case of convicts sentenced to state prison for life who exhibit continued evidence of moral and sexual depravity, the right to asexualize them, as provided in this act, shall apply, whether they have been inmates of a state prison either in this or any other state or country more than one time."

REGULATION OF IMMIGRATION

The more general aspects of immigration are presented in these facts. The total population of the United States in 1790 was about 4,000,000 souls and it is estimated that the total immigration from that date to 1820, when records first began to be kept, was about 250,000 souls.

The total immigration since 1820, by decades, has been as follows:

Decade	*Number of Immigrants*
1821–1830	143,439
1831–1840	599,125
1841–1850	1,713,251
1851–1860	2,598,214
1861–1870	2,314,824
1871–1880	2,812,191
1881–1890	5,246,613
1891–1900	3,687,564
1901–1910	3,833,076

In 1869 immigrants from Austria, Hungary, Italy, Poland and Russia were about one hundredth of those from the United Kingdom, France, Germany and Scandinavia; in 1880, about one-tenth; in 1894, nearly equal to it; in 1902, three and one-half times as great. If we compare the total immigration of certain nationalities for the period of 1821 to 1902 with that of the year 1903, we find the following result:

Country	1821 to 1902		1903	
	Number	*Per cent*	*Number*	*Per cent*
Austria-Hungary	1,316,914	6.5	206,011	24.0
England-Wales	2,739,937	13.4	26,219	3.0
Germany	5,098,005	24.9	40,086	4.7
Ireland	3,944,269	19.3	35,300	4.1
Italy	1,358,597	6.7	230,622	26.9
Norway, Sweden	1,334,931	6.6	70,489	8.2
Russia-Poland	1,106,362	5.4	136,093	15.9
British North America	1,050,632	5.1	..	..

In 1905, of the total immigration, 58.3 per cent was Slavic and Iberic, and 34.6 per cent was Teutonic and Celtic. The immigration from Asia was 23,925, or 2.3 per cent, of the total, including 1,971 Chinese.

The largest elements in recent immigration have been as follows:*

	1904	1905
Southern Italy	159,329	185,445
Hebrew	106,236	129,910
Polish	67,757	102,437
German	74,790	82,360
Scandinavian	61,029	62,284

Even in colonial times the nascent American communities saw

* Prescott, F. Hall: In Bliss, Encyclopedia of Social Reform, p. 597, 1908.

the danger of receiving criminals from older countries and sturdily resisted the efforts to impose this undesirable element upon them. The experience of the later British colonies with transported felons led to the same form of legislation. Canada remains loyal to the Empire, but her regulations restricting the importation of vagabonds and wastrels from the mother country are as severe as those of the United States. It is a question of life and death. All our efforts to improve the stock would be in vain if we permitted European countries to flood our shores with their failures. An old nation will never undertake the removal of the causes of depravity at home so long as it can dump the unfit on foreign territory. Therefore, it would be no kindness to European peoples to permit them to send to us their prostitutes, insane, criminals and vagabonds.

Laws designed to prevent the introduction of the diseased and ruined may be administered in a way to annoy proper immigrants and give endless trouble to transportation companies; but such abuses can and will be corrected, while the law itself must be vigorously carried out. This is the settled conviction of the nation, confirmed by long, painful and costly experience under inadequate laws and negligent administration, and it is the universal purpose of our people to see to it that in future the policy of arresting the importation of defectives and criminals shall be upheld.

The following official table gives the facts relating to the enforcement of the federal law in recent years:*

IMMIGRANTS REJECTED, 1904–1908, AND CAUSES OF REJECTION

Cause of Rejection of Immigrants	1904	1905	1906	1907	1908
Idiocy	16	38	92	29	20
Imbeciles	..	..	..	..	45
Feeble-minded	..	..	..	..	121
Insanity (including epileptics)	33	92	139	189	184
Pauperism	4,798	7,898	7,069	6,866	3,741
Contagious diseases	1,560	2,198	2,273	3,822	2,900
Tuberculosis	..	..	..	..	53
Criminality	35	39	205	341	136
Prostitution (and in 1908 other like immorality)	9	24	30	18	124
Procuring or importing prostitutes, etc.	3	4	2	1	43
Contract laborers	1,501	1,164	2,314	1,434	1,932

For 1908, as this table shows, for the first time imbeciles and feeble-minded were excluded, also those suffering from tuberculosis;

* Report of Commissioner General of Immigration, June 30, 1909, page 8.

and to prostitution is added "other like immorality," which causes the figures of that column to rise from 18 in 1907 to 124 in 1908.

The report of the Commissioner General of Immigration, June 30, 1908 (p. 121), states that under the new law the moral quality of aliens seeking to enter this country is being emphasized as never before.

The change in the law extending the fining provisions to cover the bringing in of mentally as well as physically diseased aliens to the United States ports, and placing tuberculosis under the same ban, is affirmed to be of great benefit. "During the past fiscal year 2,906 aliens have been rejected solely on account of moral defects." And 870 were rejected because of minor defects sufficiently grave to affect ability to earn a living. Two hundred and eighty-seven have been expelled from the country on warrants of deportation on account of physical, 563 on account of mental, 87 on account of moral defects.

John R. Commons says:*

"As for the inferior, defective, and undesirable classes of immigrants, there is no protection except stringent selection. The commissioner of immigration at New York estimates that 200,000 of the million immigrants in 1903 were an injury instead of a benefit to the industries of the country, and he advocates a physical examination and the exclusion of all who fall below a certain standard. . . .

"All our legislation governing immigration should be described as improvement of immigration rather than restriction of immigration. The object has always been to raise the average character of those admitted by excluding those who fall below certain standards. The question of 'poor physique' has come seriously to the front in recent reports of immigration officials. The decline in the average of physical make-up to which they call attention accompanies the increase in numbers of Southern and Eastern Europeans. While the commissioner at Ellis Island estimates that 200,000 immigrants are below the physical standards that should be required to entitle them to admission, the number certified by the physician is much less than this. Yet nine-tenths of even that smaller number are admitted, since the law excludes them only if other grounds of exclusion appear.

"That the physical test is practicable is shown by the following description of the qualities taken into account by the medical examiners at the immigrant stations; qualities which would be made even more definite if they were authorized to be acted upon: 'A certificate

* Races and Immigrants of America. New York, The Macmillan Co., 1907.

of this nature implies that the alien concerned is afflicted with a body not only ill adapted to the work necessary to earn his bread, but also poorly able to withstand the onslaught of disease. It means that he is undersized, poorly developed, with feeble heart action, arteries below the standard size; that he is physically degenerate, and as such not only unlikely to become a desirable citizen, but also very likely to transmit his undesirable qualities to his offspring should he, unfortunately for the country in which he is domiciled, have any. Of all causes for rejection, outside of those for dangerous, contagious, or loathsome diseases, or for mental disease, that of poor physique should receive the most weight, for in admitting such aliens not only do we increase the number of public charges by their inability to gain their bread through physical inaptitude and their low resistance to disease, but we admit likewise progenitors to this country whose offspring will produce, often in an exaggerated degree, the physical degeneracy of their parents.' "*

We conclude the consideration of elimination and introduce that of physical amelioration by quoting this passage from the pages of a biologist.

Professor Bateson says:†

"It may be anticipated that a general recognition of the chief results of Mendelian analysis will bring about a profound change in man's conception of his own nature and in his outlook on the world. Many have in all ages held the belief that our powers and characteristics are directly dependent on physical composition; but when it becomes known that the dependence is so close that the hereditary descent of certain attributes can be proved to follow definite predicable formulæ, these ideas acquire a solidity they never possessed before, and it is likely that the science of sociology will pass into a new phase. . . . It is not in dispute that the appearance of a characteristic may be in part decided by environmental influences. Opportunity given may decide that a character manifests itself which without opportunity must have lain dormant. The question of opportunity and of the degree to which the conditions of life are operative in controlling or developing characters will some day demand attention, but in order to answer such questions successfully it is the first necessity that a knowledge of the genetic behavior of the factors should be obtained. . . . The outcome of genetic research is to

* Mr. Commons took this last quotation from the report of the Commissioner General, 1906, p. 62.

† Bateson, W.: Mendel's Principles of Heredity. New York, G. P. Putnam's Sons, 1909.

show that human society can, if it so please, control its composition more easily than was previously supposed possible. . . . The power is in their hands and they will use that power like any other with which science can endow them. The consequence of such action will be immediate and decisive. For this revolution we do well to prepare."

II

IMPROVEMENT OF PHYSICAL CONDITIONS

IMPAIRMENT of bodily tissues, part cause of crime, must have a beginning at some point in the history of a family group or a line of descent. It does not fall out of heaven or rise in sulphurous vapors from the other place which is popularly imagined to be somewhere below. Degeneracy often begins in fairly good family stock with malnutrition, disease, vice, and among the low paid and casual workers, with hunger, cold, unwholesome dwellings, and unhygienic customs. This physical retrogression issues either in passion which yields easily to vicious indulgence or in active and aggressive revolt against the order of society and the institutions of marriage and property. The form of delinquency is determined by the temperament and strength of the offender and by the kind of temptation presented in a given situation.

We have already called attention to the familiar fact that many of those who inherit a defective brain and body find themselves from birth in unfavorable surroundings of habitat, workplace and associations and with imperfect opportunity of education. Part of the system of repression and prevention must therefore be provision for changing those external physical conditions which cause degeneracy and start a vicious line of inheritance. For this policy we may safely invoke biological authority:*

"The sociologists have long asked of the biologists a final answer to the mooted question of the inheritance of acquired characteristics, for so many important sociological matters depend upon this point. . . . The neo-Darwinians have won nearly general acceptance of their dictum that acquired body characteristics are not as such inherited in fact. But the neo-Lamarckian has forced in the last few years a recognition of the capacity of the environment to alter the germ-plasm that the neo-Darwinian had not been willing to concede. . . . We see, then, that in so far as the belief in the inheritance of acquired characteristics taught that social legislation aimed at the improvement of the environment and the prevention of the individual's abuse of himself, it is amply replaced by the newer

* Johnson, Russell H.: American Breeders' Association Report, vol. v, p. 228. Cold Spring Harbor, N. Y., 1908.

doctrine of the direct modifiability of the germ-plasm. To be sure, there is no direct experimental evidence that the opium or cocaine habit, ill-ventilation, over fatigue, under feeding, or ill-balanced diets do unfavorably affect the germ-plasm. . . . The probability that the victim of alcohol is paralyzed in some degree by some of these influences is so great that the social reformer may well feel justified in claiming the support of the biologist for restriction and ameliorative legislation aimed at the evils mentioned."

An eloquent and humane American lawyer and orator* has thus voiced a growing sentiment of the nation:

"If we are to change the conduct of men we must change their conditions. Extreme poverty and crime go hand in hand. Destitution multiplies temptation and destroys finer feelings. The bodies and souls of men are apt to be clad in like garments. If the body is covered with rags the soul is generally in the same condition. Self-respect is gone, the man looks down, he has neither hope nor courage. He becomes sinister, he envies the prosperous, hates the fortunate and despises himself. As long as children are raised in the tenement and gutter, the prisons will be full. . . . The poverty of the many is a perpetual menace. If we expect a prosperous and peaceful country, the citizens must have homes. The more homes, the more patriots, the more virtue, the more security for all that gives worth to life."

We shall consider some of the more significant movements to better the conditions of life for the poor.†

The citations which follow, from American observers, will illustrate the tendency of enlightened public opinion in respect to the causal connection between defective physical conditions and crime. This conviction is the consequence of the diffusion of knowledge and in turn is an active cause of amelioration. At a later point we shall discuss the movement to attack directly the personal vices of sensuality in relation to alcohol, tobacco, and sexual indulgence. Here we seek to emphasize the more general and fundamental measures which are designed to protect public interest and promote community health.

* Ingersoll, Robert G.: Crimes against Criminals. Boston, Banner of Light Co., pp. 43–44.

† A specialist in medical science and criminology has recently said: "We know that the principal causes of degeneration in the individual organism are in the first place alcoholism, in the second rank, life in unwholesome surroundings, and in the third degree, excessive strain. On the basis of this knowledge it is possible for society to battle successfully against criminality by controlling the consumption of alcoholic liquors, by improving the conditions in the dwellings and workplaces, and by protective legislation for the workers."—Maxwell, Le Crime et la Société, pp. 260–261.

There is a wider recognition than formerly of the evils of exaggeration, of misplaced emphasis, of selecting some particular symptom for attack rather than organizing a complete and rational system of instruction and control which would include all the serious causes of physical injury. Largely directed by the energetic and influential efforts of Mr. Theodore Roosevelt while President, several important investigations have been made into the conditions affecting the health and character of the people. One of the reports published brings out very clearly the truth that physical evils are modifiable by wise and concerted action. Professor Irving Fisher* has developed the argument for this position.

Professor Fisher shows by a table the average length of life among leading nations:

Country	Average Years of Life	
	Males	*Females*
Sweden, 1891–1900	50.9	53.6
Denmark, 1895–1900	50.2	53.2
France, 1898–1903	45.7	49.1
England and Wales, 1891–1900	44.1	47.7
United States (Massachusetts), 1893–1897	44.1	46.6
Italy, 1899–1902	42.2	43.1
Prussia, 1891–1900	41.0	44.5
India, 1901	23.0	24.0

Commenting on these figures Professor Fisher says: "When we consider that the average duration of life in India is scarcely more than one-half that of France and less than one-half that of Sweden, we must conclude that the length of human life is dependent on definite conditions and can be increased or diminished by a modification of these conditions. . . . Striking corroboration of this conclusion is found as soon as we can compare the average duration of life at different periods of time. This shows a marked increase in the average of human life. In Geneva in the sixteenth century it was 21.2 years, 1801–1883 it was 39.7. . . . Comparisons of Abbott's Massachusetts life tables for 1893–1897 with Elliott's Massachusetts tables for 1855 and Wigglesworth's Massachusetts and New Hampshire life tables of a century ago, give us a progressive increase from 35 in 1789 to 40 in 1855 and 45 in 1893–1897. . . .

"Interesting comparisons may be made of the death rates of American cities varying in size and location. The death rate per 1,000 of population in 1906 was given as 14.2 (probably incorrect)

* Bulletin of the Committee of One Hundred on National Health; being a report on National Vitality, its wastes and conservation. By Professor Irving Fisher, Senate Doc. 419, Government Printing Office, Washington, D. C., 1909.

in Chicago, in Boston 18.9, in New York 18.6, in Philadelphia 19.3, Cleveland, Ohio, was credited with a death rate of but 16, while Cincinnati, in the same state, had 20.8. The causes of such differences are not always attributable to variations in size. New Haven, for instance, a larger Connecticut city than either Hartford or New London, had a lower death rate in 1900 by 2.2 and 2.5 respectively, per 1,000 population. The differences are accounted for partly by differences in age and constitution, partly . . . by differences in the accuracy of the collected statistics, partly by differences in size and location, and partly by differences in the vigilance of the public and private health authorities."

Part II of the report relates to the Breadth of Life versus Invalidity: "Length of life is but one indication of vitality. The life of an invalid is but a narrow stream. . . . The most careful consideration of the various illness statistics available was made by Farr. . . . His final conclusion is probably nearly as valid now as then (1885). It is, that corresponding to each death in a community there are a little more than two years of illness. Another way of expressing the same fact is that for each annual death, there are on the average two persons constantly sick during the year. Applying this estimate to the United States, in which about 1,500,000 persons die per annum, there are probably at all times about 3,000,000 persons seriously ill. . . . It has been estimated that the number of persons in the United States constantly suffering from tuberculosis reaches 500,000. Of this number probably one-half are totally incapacitated, while the remainder are able to earn about half the ordinary wages.

"Dr. Prince A. Morrow is quoted as saying that the number of syphilitics in the United States has been estimated at 2,000,000 and that the extermination of social diseases would probably mean the elimination of at least one-half of our institutions for defectives. . . . In the opinion of very competent judges social disease constitutes the most powerful of all factors in the degeneration and depopulation of the world. . . . Venereal diseases are preventable.

"Experiments have shown that physical endurance can be doubled by dietetic causes alone, or doubled by exercise alone. By both together it is not unlikely that it could be tripled or quadrupled. But when it is said that the endurance, or capacity for exertion, of the ordinary healthy man could be thus multiplied, it is not meant that the hours of his daily work, or even his daily output of work, could

be increased in such a ratio. What it does mean is the removal of the fatigue limit, a freer and more buoyant life, and a visible increase in the quantity and quality of work per hour. In an ideal life fatigue would seldom be experienced. . . . A workman who gives intelligent and systematic care to the body writes that when, after a long day's work, the factory whistle blows at night he, unlike his fellows, feels as fresh as when he began work in the morning. Workmen can by such self-care mitigate some of the evils of the long day. But they are amply justified, both in the interest of their own and national efficiency, in continuing their efforts toward a shortening of the work day."

On page 47 the report continues: "The economic waste from undue fatigue is probably much greater than the waste from serious illness. We have seen that the average serious illness per capita is usually about two weeks each year. This is about 4 per cent of the year. Expressed differently, about 4 per cent of the population is constantly sick. On the other hand, the number that suffer partial disability through undue fatigue certainly constitute the great majority of the population. No observer can fail to conclude that this is true of the American working, business and professional classes, and the latest word among the students of hygiene is that it is true to a large extent even among children."

The writer then estimates that impairment due to over fatigue cannot be less than a total impairment of 5 per cent of the population.

"Life is to be broadened not only negatively by diminishing those disabilities which now narrow it, but also positively by increasing the cultivation of vitality. Here we leave the realm of medicine and enter the realm of physical training. . . . It is an encouraging sign of the times that the ecclesiastical view of the Middle Ages, which associated saintliness with sickliness, has given way to modern 'muscular Christianity,' typified in Young Men's Christian Associations with their gymnastics and athletics. . . . Any country which adopts such ideals as an integral part of its practical life philosophy may be expected to reach or even excel the development of the health-loving Greeks."

MOVEMENTS TO IMPROVE THE DWELLINGS OF THE URBAN POOR

Taking up concrete efforts to make these ideas effective, we begin with movements to improve the dwellings of the poor. The industrial and commercial centers of America, as of other countries,

have grown rapidly during the past generation—so rapidly that knowledge, public opinion, law and municipal administration have not kept even pace with the new problems. As the great industry developed about the steam engine it brought together vast numbers of wage-earners to manage the machines, handle raw materials and finished products and serve the concentrated agencies of trade and transportation.* As the quantity of land accessible to factory, mine, mill and warehouse was limited the price per acre advanced, and from economic necessity, to cover interest on capital invested, the rent charged for habitations was raised. To ascribe this altogether to "greed of stony-hearted landlords" is aside from the question; philanthropic investors must follow the same course or become bankrupt. In some cities, as in New York City and Pittsburgh, the insular situation or other restriction of space for dwellings, has aggravated the evils. In justice we must add that multitudes of European peasants, unaccustomed to urban life, have colonized in a few large cities, crowded into miserable quarters, and made everything worse with dirt, neglect and low standards of sanitation. Public sentiment about police regulation of prostitution has as yet formulated no rational or consistent policy, and well-intended crusades have resulted in scattering vice and disease among the innocent children and honest families of workingmen in the congested tenements of many cities.

Mr. Jacob A. Riis made the work of a police-court reporter into the calling of a special prophet of health and righteousness. His method of appeal to the civic conscience is well shown in these paragraphs:

"It is the tenement that gives up the child to the street in tender years to find there the home it denied him. Its exorbitant rents rob him of the schooling that is his one chance to elude its grasp, by compelling his enrollment in the army of wage-earners before he has learned to read. Its alliance with the saloon guides his baby feet along the well-beaten track of the 'growler' that completes his ruin. Its power to pervert and corrupt has always to be considered, its point of view always to be taken to get the perspective in dealing with the poor. . . .

"From the tenement the street was until the kindergarten came not long ago, and is still for the great mass of children, the one escape—a Hobson's choice, for it is hard to say which is the most

* See Weber, A. F.: Growth of Cities in the Nineteenth Century. Columbia University Press, 1899.

corrupting. The opportunities rampant in the one are a sad commentary on the sure defilement of the other. . . .

"The testimony of a teacher for twenty-five years in one of the ragged schools, who has seen the shanty neighborhood that surrounded her at the start give place to mile-long rows of big tenements, leaves no room for doubt as to the influence the change has had on the children. With the disappearance of the shanties—homesteads in effect, however humble—and the coming of the tenement crowds, there has been a distinct descent in the scale of refinement among the children, if one may use the term. The crowds and loss of home privacy, with the increased importance of the street as a factor, account for it. The general tone has been lowered. . . .

"It was the outrageous rent for the filthy den that had been the most effective argument with sympathizing visitors. Their pity had represented to him (the landlord), as nearly as I could make out, for eight long years, a capital of $2,600 invested at six per cent, payable monthly. . . .

"Of the tenement I have said enough. Apart from all other considerations and influences, as the destroyer of character and individuality everywhere, it is the wickedest of all the forces that attack the defenseless child. The tenements are increasing in number and so is the element that becomes criminal because of lack of individuality and the self-respect that comes with it."*

The wrongs done by landlords, under the pressure of these conditions, must not only demoralize the poor but debase the character of the owners. Permission to injure human beings cultivates anti-social dispositions in property owners, and breeds revolt in the renters who suffer. It must tend to harden men who collect rents, derive profits and live in luxury from houses which steadily transform their tenants into criminals or brutes. But mere declaration and mob fury against landlords have little value. Some large and far-seeing policy must be formed and pursued with all the power of private philanthropy and public law to sustain it.

Such a policy has gradually been taking shape under intelligent leadership in the large cities where the problem has long been felt to be serious. We seek to present the consensus† of expert opinion in regard to the best course for municipal action.

* Riis, Jacob: The Children of the Poor, p. 134. Chas. Scribner's Sons, 1902.

† De Forest and Veiller: The Tenement House Problem. The Macmillan Co., 1903.

The Chief Factors in the Policy of Improving Conditions of Dwellings

Direct effort to improve conditions has been influenced by the following aims:

(1) The application of a definite legal standard of light, ventilation, air-space, fire protection, privacy, toilet conveniences and cleanliness to dwellings already built and long occupied. It has been found impracticable to require the demolition of habitable houses, and often unnecessary in order to secure reasonable conditions of health; but a vigorous policy of inspection and control is essential.

(2) For new houses the more advanced cities require obedience of landlords and contractors to a higher standard of construction. The code of building ordinances may be studied with advantage in that adopted for New York City. A code must be enforced by special commissioners or inspectors.

(3) Hopelessly unfit dwellings must be destroyed. They may be condemned by the health authorities or by special inspectors, and the owners be forbidden to rent them. The loss of revenue furnishes economic motive to tear down and rebuild. The necessity of securing more habitable space on a given area frequently makes it profitable to destroy old structures and build new; and in such cases the building ordinances come into operation. The competition of philanthropic investment in improved tenements tends to produce the same results.

(4) Inspection and constant control of the interior of dwellings must form a part of the policy we are considering. The urgent necessities of public health have broken down the former American opinion that a man can do as he likes in his own house. In order to prevent the spread of contagion and the neglect of sanitation the health authorities are gradually invading the privacy of homes in increasing degree, often at the solicitation of tenants themselves who cannot induce the landlords to make desirable repairs in plumbing and drains.

The medical inspection of school children, followed up by visits of trained nurses or physicians to the homes of ailing children, has introduced a new agency in the movement to improve the physical conditions of houses of the poor. Benevolent societies which provide outings for children and invalids also co-operate in the same work.

The spread of venereal disease by the presence of prostitutes and their clients in tenement blocks has enlisted the careful thought of philanthropists and municipal officials.*

* See report on The Social Evil, by the Committee of Fifteen (by Felix Adler and others), G. P. Putnam's Sons, 1902. See also Henderson, C. R., Education with

(5) Multitudes of city dwellers ought to be removed to the country or at least to suburbs, and the principle has already found advocates and practical expression. The improvement and cheapening of transportation facilities have a tendency to scatter the workers of cities over a wider area and give them evenings, nights and Sundays in an atmosphere less charged with microbes and dust, and where gardening is possible. Many great factories are building up neat villages about their works at some distance from urban centers, their motive being in part to improve physical conditions, in part to secure adequate ground with less investment of capital, and also to be more secure from labor disturbances.

(6) The housing of the homeless men and women must be an important part of this policy. In each city there is a large number of persons of both sexes without regular habitation.*

Mr. B. C. Marsh, Executive Secretary of the Committee on Congestion of Population in New York, as the result of his studies, reaches the conclusion that an average of more than two occupants to a room means overcrowding; that a density of 500 to an acre is greatly excessive and that not more than 75 to 125 can live well on an acre. The effects of congestion are discovered in a high death rate, increased sickness, low morality, more crime. The parties responsible for congestion, he thinks, are the "land speculator and tenement sweaters, selfish and grafting traction interests and the inhuman employers of labor in factories and department stores." In so far as they are responsible they are guilty of the immorality, death and crime which arise from the conditions of which they are causes. The remedies lie, in his estimation, in the enactment of suitable building and tenement house requirements, a change in the system of taxation, the establishment of a minimum wage, the proper planning of cities and a tariff amendment.

SURROUNDINGS OF DWELLINGS

There are conditions outside the dwelling, but closely connected with the habitation, which tend to bodily deterioration and hence to vice and crime. The halls, courts, alleys, and streets, the use of which a tenement family must share with the public, affect the health

Reference to Sex, University of Chicago Press, 1909. The Social Evil in New York City, the Committee of Fourteen, 1910.

* The special subject of Vagrancy will be treated in a later section by Mr. O. F. Lewis, and nothing further will be said at this point.

of the family. Diet, disorder and ugliness debase the character, impair delicacy of æsthetic feeling and lower vitality. We often discover the pathetic struggle of a mother to overcome these external influences and keep her own children clean, tidy, refined in the midst of general disorder. The odds are against her.

It is here that municipal authority comes to the aid of the individual family; regulates the removal of ashes, papers and garbage; lights the alleys and courts; hears complaints of tenants against negligent landlords or lawless neighbors; inspects premises and corrects abuses. A system of attending to anonymous complaints sent by post improves the efficiency of the corps of public inspectors.*

Closely connected with the problem of the dwelling is provision for cleansing the clothing and bedding by washing and disinfection, and bathing of the body, for both of which the crowded tenement affords imperfect arrangements. Municipal bath houses and laundries have been established in several cities.

Offensive conduct is sometimes easily turned into positively useful action by affording opportunity for legitimate satisfactions. For example, many persons are arrested for "indecent exposure." Lads eager to swim have been thrown into the company of criminals by the police because of a city ordinance prohibiting bathing in certain public places. Those cities show greater wisdom when a portion of a lake or some artificial reservoir is fenced off, dressing cabins provided at small cost or gratuitously, and suitable bathing costumes rented. Municipal baths and the wading and swimming pools deserve praise in this connection. Thus also the establishment of public comfort stations has a tendency to prevent indecent actions in the streets and alleys, and also to remove a temptation to buy alcoholic drinks in saloons, with all their evil associations, in order to have a right to use their toilet facilities. These arrangements are also desirable from the standpoint of personal hygiene.†

The report of the Street Improvement Committee (1908), of the Civic League of St. Louis, calls attention to this matter: "The absence of these accommodations produces not only great physical discomfort to many people, but has a direct bearing on public health. Physicians everywhere are agreed in the statement that the health of

* See De Forest and Veiller, The Tenement House Problem, The Macmillan Co., 1903, for the method mentioned; also Veiller, Lawrence: Housing Reform, Charities Publication Committee, 1910. Russell Sage Foundation Publication.

† See Tolman, W. H.: Report on Public Baths and Public Comfort Stations by Mayor's Committee, N. Y. City. Albany and New York, Wynkoop, Hallenbeck, Crawford Co., 1897.

the community will benefit by the establishment of public comfort stations. We have found from a survey of other cities that there is a very general movement in American municipalities to provide these much needed public conveniences. . . .

"Probably 500,000 men, women and children of this city leave their homes daily for periods of time varying from three to ten hours, and an average of 50,000 visitors, according to conservative estimate, are in the city every day of the year; yet the municipality has provided no public place where these thousands can find necessary accommodations. Were it not for hotels, office buildings, and department stores, where visitors are, in a real sense, looked upon as trespassers and unwelcomely tolerated, there would be absolutely no convenience found except in saloons. The saloon has taken advantage of the situation to draw within their doors daily thousands of people who would otherwise never have occasion to enter.

"Many statements have been presented at various times to show what a drawing card such toilets really are to a saloon. The housing committee of the Civic League, after an exhaustive study of the housing conditions in the crowded section, said, 'It is a sad reflection on our municipality that for lack of public convenience stations the men whose work keeps them on the streets must take advantage of the saloon. The street sweeper, the coal driver, the bricklayer, the peddler, would not be welcome in office buildings or hotels, were there any in this district. Many of the 204 toilets with the more modern appliances (found in a district inhabited by 13,000 people) are in the saloons, and are a source of financial profit. The saloon keepers estimate that one-third of their gross proceeds come from men who feel under obligation to spend some money in return for the toilet privileges.'"

V. C. Hart, Jr., of Chicago, after making an extended investigation of toilet facilities in Chicago, where there are 7,000 saloons, said in his report, "Every saloon has toilet facilities, the use of which is offered to the public without charge. Saloon men regard this privilege as bringing in more trade than their free-lunch counters. These facilities are constantly used because they are so convenient, so numerous, and a man always feels he is welcome."

Ex-President Roosevelt, when Police Commissioner of New York City, wrote: "One great trouble we have in trying our policemen for going into saloons in uniform is that they can now plead legitimate excuse. It can be safely asserted that the toilet accommodations in saloons entice as many people as the free-lunch stand and are a large asset which can be specifically relied upon."

When cities and counties found that the use of the bicycle was to be general, they frequently constructed paths for the separate use of persons riding these wheels; and this of itself, and without vexing regulations and threats of fines, removed countless occasions of friction, injury, quarrels and conflicts with the police. The bicyclist was not compelled to meet teams in the road or foot-passengers on the side path.

This principle of prevention is of very wide application. The introduction of the powerful and swift automobile has been a new occasion of social conflict. The fact that the luxurious forms of these vehicles can be enjoyed only by the rich excites envy and passion by adding to fright and actual bodily injury the sense of oppression and resentment against the ostentatious display of superior wealth. It is, therefore, important for social peace and for the cooling of anti-social passions that the owners and drivers of these dangerous carriages be enabled to use them so far as possible without harm to foot-passengers. Gradually municipal and rural authorities are discovering means of giving considerable liberty without unreasonable peril to the multitudes who cannot enjoy the machines.

THE WORKPLACE

Household Industries

The household manufactures of food, clothing, ornaments, tobacco, are more difficult to bring under observation and control of inspectors than those carried on in large factories; first, because of the sentiment that "a man's house is his castle" and intrusion is resented, and also because it is difficult to watch violators of law scattered over a wide area in petty groups and working at all hours of day and night and Sundays. But the necessity of protecting the public health against communicable disease has reconciled the public to a larger measure of control of domestic industries. These forms of control are reflected in the factory laws and municipal ordinances.

Twelve states, Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, have a law with regard to the sweatshop system.

It may be observed that the sweatshop is scarcely a problem in many of our states where agriculture is the chief industry and tenement house manufacture of goods is nearly or quite unknown.

The law of New York, a good illustration of the enactments on this subject, contains the following provisions:

"No tenement house nor any part thereof shall be used for the purpose of manufacturing, altering, repairing or finishing therein, any coats, vests, knee pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, skirts, shirts, aprons, purses, pocketbooks, slippers, paper boxes, paper bags, feathers, artificial flowers, cigarettes, cigars, umbrellas, or articles of rubber, nor for the purpose of manufacturing, preparing or packing macaroni, spaghetti, ice cream, ices, candy, confectionery, nuts, or preserves, without a license therefor as provided in this article."

The securing of this license involves inspection of the building to learn whether it is free from infectious, contagious or communicable disease; whether there are defects of plumbing that will permit the free entrance of sewer air; whether in all respects the building is clean and in proper sanitary condition. The license must be framed and conspicuously posted, and may be revoked by the commissioner of labor for any reason that would have prevented its being granted. It is made the duty of the commissioner of labor to inspect all such tenements semi-annually.

A case of communicable disease operates to prevent the manufacture of the goods until the board of health shall certify to the commissioner of labor that the disease has terminated. None of these articles may be manufactured, altered or repaired or finished in a part of a cellar or basement of a tenement house that is more than one-half of its height below the level of the curb or ground outside of or adjoining the same. No one may contract for the manufacture of such goods in a tenement not licensed. Ample air-space is required by law.

Persons contracting for the manufacture, alteration, etc., of such goods must keep a register of the addresses of the places where the work is done, must know that the places are licensed, and lists must be open to inspection by the commissioner of labor.

Articles manufactured, etc., contrary to this law must be labeled and held until disinfected at the expense of the owner, otherwise they must be destroyed.

Goods of the sort here described if shipped in from other states are subject to inspection by the factory inspector who reports to the local board of health the discovery of any vermin or that the goods were made under improper conditions, the board of health then disposing of them as health and safety may require.

"No room or apartment in a tenement or dwelling house, used for eating or sleeping purposes, shall be used for the manufacture, wholly or partly, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, purses, feathers, artificial flowers or cigars, except by members of the family living therein. The family must notify the board of health of its business, the place must be inspected by a special inspector appointed by the board, and a permit issued if conditions are sanitary. The goods so manufactured are subject to the general rules already set forth."*

Factory Laws: Health, Safety, Comfort

The health of workmen cannot be trusted wholly to the humanity and enlightened self-interest of employers. Law is required to protect the better employers against competitors on a lower level.

We notice here factory laws† relating to comfort and health in workplaces of a non-public character. These laws and regulations relate chiefly to ventilation, drainage, sewerage, water closets, removal of dust and poisonous vapors and corrosive fumes, places to eat and rest, baths, changes of clothing.

The Illinois Law to Provide for the Health, Safety, and Comfort of Employes in Factories, Mercantile Establishments, Mills and Workshops, in effect January 1, 1910, is here given as one of the most recent and radical forms of such legislation.

All machinery when in operation is dangerous, and should be considered so by the operator. It should be so protected as to offer the least possible chance for injuring those who operate it.

All set screws, or other projections on revolving machinery shall be countersunk, or otherwise guarded when possible.

Means shall be provided and placed within convenient reach for promptly stopping any machine, group of machines, shafting or other power-transmitting machinery.

Machines must not be placed so closely together as to be a serious menace to those who have to pass between them. Passageways must be of ample width, and must be kept well lighted and free

* Labor Laws of the United States, 1907. Twenty-second Annual Report of the Commissioner of Labor, Washington, Government Printing Office, 1908.

† These laws are collected in the volume of Labor Laws published by the Bureau of Labor at Washington and in bulletins of this bureau, as well as in those of the state boards of New York and Massachusetts. The ordinances of cities and regulations of public health authorities have significance in this connection.

Legislative commissions for the study of diseases of occupation are awakening attention; as in Massachusetts, Illinois, Wisconsin, Minnesota. The American Association for Labor Legislation is an important new factor of growing influence.

from obstructions. All hatchways, elevator walls or other openings in the floors shall be properly closed and guarded.

All premises must be kept in a clean and sanitary condition. Ample and separate toilet facilities for each sex shall be provided, and toilet rooms must be kept clean, well ventilated and well lighted. Food must not be taken into any workroom where white lead, arsenic or other poisonous substances or grease are present under harmful conditions.

Proper and sufficient means of escape, in case of fire, shall be provided, and shall be kept free from obstructions.

Poisonous and noxious fumes or gases, and dust injurious to health, arising from any process, shall be removed as far as practicable.

No employe of any factory, mercantile establishment, mill or workshop shall operate or tamper with any machine or appliance with which such employe is not familiar and which is in no way connected with the regular and necessary duties of his employment, unless it be by and with the direct or reasonably implied command, request or direction of the master or representative or agent.

The above notice or synopsis will be printed on cardboard and the type used will be such as to make it easily legible. It will be printed in English and such other languages as may be necessary to make it intelligible to employes. These notices must be posted in a conspicuous place in every office and workroom in every establishment covered by the premises of the act.

The foregoing covers the provisions of Sections 1–8.

Section 9 provides for a reasonable number of suitable seats for female employes and the use thereof.

Section 10 requires that adequate measures be taken for equable temperature in all factories, etc., and prohibits unnecessary humidity.

Section 11 provides for at least 2,000 cubic feet of air-space, in a room having outside windows, for each person. Other rooms shall supply at least 1,800 cubic feet of fresh air to each person.

Section 12. Gases or effluvia from sewer, drain, privies, and other nuisances prohibited. Noxious fumes, gases and dust to be disposed of by ventilation or exhaust devices.

Section 13. All decomposed, fetid, putrescent matter, refuse, waste and sweepings to be removed and disposed of daily. All cleaning to be done outside of working hours when possible. Otherwise to be done in a prescribed manner. Employes to be protected from wet floors, dry standing room provided. Seepage or leakage prevented. Proper drainage.

Section 14. Means of escape in case of fire must be provided. Same to be free from obstruction and plainly marked as such.

Section 15. Doors to open outward easily. Sec. 16, safe stairways. Sec. 17, proper lights everywhere.

Section 20 stipulates the number of water closets or privies in proportion to the number of employes, separate accommodation for the sexes, and provides for marking, proper lighting, effective disinfection, ventilation, construction and enclosing of same.

Section 21 stipulates washing facilities, separate for sexes, and provides for suitable and separate dressing rooms for employes where necessary.

Section 25 requires the chief factory inspector to enforce, through his assistants and deputies, all the provisions of this section, prescribes manner of notice, general changes not to be required more than once in twelve months.

Section 26 provides for penalties $10 to $50 for the first offense, $25 to $200 for subsequent violations.

Twelve states, Connecticut, Indiana, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Washington, Wisconsin, have laws requiring the inspection of bakeries and regulating the conduct of the business. The laws on this subject usually provide for sanitary conditions in construction and care of bakeries; for washrooms; forbid that the workroom be used as a sleeping apartment, or that those afflicted with tuberculosis or scrofulous or venereal disease be employed therein.*

Meals. Six states, Illinois, Indiana, Louisiana, Michigan, Massachusetts and New York make provision by law requiring that employers grant employes a specified time for lunch. Some of the laws apply to women only.

Acids. One state, Massachusetts, forbids the employment of children under eighteen years of age in the manufacture of acids after the state board of health has determined that such manufacture is dangerous or injurious to health.

Water. Two states, Illinois and Massachusetts, require that a sufficient supply of pure water be provided for employes.

Closets. Twenty-six states and territories require that employers provide closets in good sanitary condition for employes, thirteen of the states and territories specifying that there shall be separate closets for each sex.

Washing, Dressing and Lunch Rooms. Eight states require

* See United States Labor Laws, 1907.

separate washing and dressing rooms for women, some of them describing the room as a washing, dressing and lunch room. New York makes specific provision for lunch rooms for mercantile establishments.

Sanitation of Workplace. Illinois has a law requiring that employers keep the workplace free of gas or effluvia arising from sewer, drain, privy or other nuisance; that floors be free of refuse, waste; that sweepings be removed daily and without raising dust; that cleaning be done as far as possible outside of working hours; that there be adequate provision for drainage where the work makes the floor wet.

The Maine law provides that the conditions of the workplace shall be sanitary.

A California law forbids that a basement, cellar, underground apartment, or other place, "which the Commissioner of the Bureau of Labor Statistics shall condemn as unhealthful and unsuitable, shall be used as a workshop, factory, or place of business in which any person or persons shall be employed."

A law of New Jersey provides that factories and workshops in which women and children are employed, and where dusty work is carried on, shall be limewashed or painted at least once in every twelve months.

A New York law requires such limewashing or painting when in the opinion of the factory inspector it will be conducive to the health or cleanliness of the persons working therein.

Laws to protect employes from unnecessary dust are in force in California, Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, New Jersey, Ohio and Oregon. Twelve of the above states make requirements as to ventilation. The use of colored windows where the same are injurious to the eyes of workmen is forbidden in Connecticut. Illinois and Michigan specifically provide against subjecting employes to unhealthful temperature.

Two states, Maryland and Michigan, specifically require sufficient light in factories. Illinois provides against overcrowding.

Elevators and Hoistings. Twelve states, Connecticut, Illinois, Indiana, Michigan, Minnesota, Missouri, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, make provision for the inspection and guarding of elevators, hoistings, etc.

Guarding and Cleaning Machinery. Twenty states, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts,

Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, Wisconsin, have laws providing for the guarding and cleaning of machinery. The Illinois law is especially full and specific.

SAFETY. Twelve states, Colorado, Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Minnesota, Montana, New York, Ohio, Pennsylvania, make legal provision for control over motive power in factories, mines, etc.

ACCIDENTS TO BE REPORTED. Ten states, Illinois, Indiana, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, make it obligatory on owners, etc., to report accidents to designated officials.

MOTIVE POWER. Twenty-nine states and territories, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, West Virginia, Wisconsin, make provision with regard to control of the motive power so as to reduce dangers to a minimum.

THE NECESSITY FOR PROTECTIVE LEGISLATION

"The statistical report of the Inter-State Commerce Commission for the year ending June 30, 1907, shows that during the year 11,800 persons were killed and 111,000 injured on American railways. . . . A large number of the victims were railway employes, for whose safety Congress had passed a number of laws. . . . Census Bulletin 83 gives the number of deaths by accident and violence in 1900 at 57,500.

"Of 29,000,000 workers in the United States over 500,000 are yearly killed or crippled as a direct result of the occupations in which they are engaged."*

Frederick L. Hoffman estimates that the number of accidents among men employed in the United States in 1906 was 208,000, of which 5,000 were fatal. John Mitchell estimates that for every 100,000 tons of coal produced in the United States one mine worker is killed and several injured. In 1907 the figures were 2,500 coal miners killed and 6,000 seriously injured. In Wisconsin from October 1, 1906, to October 1, 1907, the total number of accidents re-

* Quoted from Ditman, N. E., Education and Its Economic Value in the Field of Preventive Medicine. Columbia University Quar. Supp., June, 1908, p. 43.

ported which incapacitated the victim for at least two weeks was 13,572. The accidents to employes constituted 53 per cent of the number. Special trades have special perils for workmen. "Among diseases to which workmen are most often subject are the so-called inanition, scrofula, rachitis, pulmonary consumption, dropsy; also rheumatic troubles, pleurisy, typhoid fever, gangrene, and the various skin diseases. Every epidemic, be it typhoid, smallpox, scarlet fever, dysentery, cholera, etc., draws its greatest army of victims from this class. . . . It is the workman engaged in unhealthy factories first of all who fills the hospitals and their death chambers."*

Health statistics show that men employed in dust-producing occupations suffer much more frequently from pneumonia and consumption than do those not exposed to dust. The relative frequency of these diseases per 100 workmen is as follows:†

	Cases per 100 Workers	
Occupations	*Consumption*	*Pneumonia*
Workers in metallic dust	28	17.4
Workers in mineral dust	25.2	5.9
Workers in mixed dust	22.6	6.0
Workers in animal dust	20.8	7.7
Workers in vegetable dust	13.3	9.4
Workers in non-dusty trades	11.1	4.6

The injury rate to children is three or four times as great as for adults, as shown by Indiana reports.

Medical Inspection of Factories

On page 21 of the report of the Commissioner of Labor, New York (1908), mention is made of the medical inspection of factories: "In view of the fact that New York is the first American state to provide for the employment of a physician whose duty it is to inspect and observe sanitary conditions in factories, much interest attaches to the initial steps. . . . The lay inspector of factories was deemed equal to the task of sanitary inspection in accordance with the requirements of the New York laws except in the matter of ventilation. The medical inspector, Dr. Rogers, therefore made an extensive study of this problem. He made 430 tests of air in 136 workrooms. Twenty-eight cigar factory rooms were investigated when outdoor temperature ranged from 37 to 73 degrees, and in

* The above Prof. Fisher quotes from Doehring, C. F. W.: Factory Sanitation, etc., U. S. Department of Labor, Bulletin No. 44, January, 1903, p. 2. Report on National Vitality, July, 1909.

† Kober, Geo. W., M.D.: Industrial Hygiene. U. S. Bureau of Labor Bulletin, March, 1908.

many instances windows were partly opened, while in the others all windows and doors were closed. The highest number of parts of CO_2 in 10,000 volumes was 80 on a third floor with windows partly opened and outdoor temperature of 49. . . . The lowest record was 8 parts in 10,000 volumes on the fourth floor of a factory, windows wide open, outdoor temperature 71; tests made near the windows. Generally speaking the tests show that in cigar factories the air is usually so impure as to make forced ventilation an absolute necessity. . . . In our discussions with those against whom orders have been issued directing that means of ventilation be provided and that proper and adequate ventilation be maintained, we have insisted that even in summer, when all windows and other openings are available for the introduction of fresh air, such means will not adequately ventilate their establishments. Our data sustain this view in every particular."

In the clothing industries 21 establishments engaged in the manufacture of men's and women's garments were inspected and tests made of the air. The lowest number of parts of CO_2 in 10,000 volumes of air found was 9, the highest 42. "The results of these tests demonstrate clearly that the use of gas for illuminative and heating purposes is an important contributing factor in the creation of conditions inimical to the health of the operatives; for in each case where the record shows the test to have been made in close proximity to the gas-heated irons at the pressers' tables, or among the workers, where gas was burning for illuminative purposes, the quantity of CO_2 was much greater than in other parts of the premises. This is also true regarding coal stoves and other heaters which are used for commercial and heating purposes; they serve to vitiate the air, and no doubt they discharge into the workrooms noxious gases, adding to the sum total of impurities."

Dr. Rogers calls attention to the danger present in establishments of this class arising from carbon monoxide. Similar unfortunate conditions were found to obtain in the manufacture of fur and fur goods, in the laundries and in the printing establishments. The commissioner makes this general comment: "I feel that the somewhat startling conditions in our cigar factories, clothing shops, steam laundries and printing offices . . . fully justify the provision made for such an officer (*i. e.*, medical inspector). In order to supplement the work of the medical inspector so as properly to handle the question of ventilation, the department needs the services of a competent engineer who should possess special and expert

knowledge of the subject under discussion. Such person should examine and pass upon plans for ventilation . . . point out defects in existing systems . . . examine the institution of new systems . . . and determine in disputed cases the volume of fresh air delivered in each workroom."

Massachusetts has introduced medical inspection of workplaces with encouraging results.

Violations of Laws Protecting Workmen on Public Contracts

The following citation illustrates the tendency to violate such laws by employers (and workmen) unless restrained by vigilant inspection and vigorous prosecution of offenders.

Page 32, report of the commissioner of labor, New York (1908), is concerned with prosecutions: "Six hundred and thirty-two cases were brought to a final issue during the year. Convictions were had in 422 cases and penalties aggregating $5,146 were imposed. . . . The deputy factory inspector spent an aggregate of 1,796 days or parts of days in connection with prosecutions. Much of this time could have been saved if magistrates had declined to grant many adjournments which were sought obviously for purposes of delay, or for the purpose of enabling the defendant to comply with orders of long standing. This practice has almost always been resorted to in cases reported concerning sanitation. . . . Adjournments to enable the defendant to comply with the orders of the department should not be granted, for the reason that before proceedings are instituted the person or firm involved has already received several notices and should be held to strict accountability for wilful violation of law. At each adjourned hearing, department counsel and the deputy inspector who is the complaining witness must appear and be ready to proceed with the case. Such a course of procedure imposes a heavy burden upon a bureau already overtaxed."

Under that section of the labor laws having to do with hours of labor, the bureau of factory inspection (upon whom is placed the duty of enforcing it) investigated 95 complaints of which 70 were sustained,—60 in regard to hours of labor and 10 relative to wages. Appropriate action was taken with regard to each violation.

Section 21 of the labor laws prescribes a procedure in respect to established violations of Section 3 (with regard to hours of labor) which has proved to be very effective as a means to compel obedience to the law. "It is the duty of the department to present evidence of non-compliance to the officer . . . having charge of such work.

Conforming to this requirement, the evidence is sent both to the officer in charge and to the officer who authorizes payment on account of such work. Such notices result in stopping payments." The authority of a financial officer so to refuse payment has been determined by the Court of Appeals in the case of Williams Engineering and Construction Company *vs.* Herman A. Metz, as comptroller of the city of New York, decided October 13, 1908. "Complaint was received alleging that said company was violating the eight-hour law on contract work for the city of New York. The allegation was promptly investigated and sustained. Notices with transcript of the evidence were sent to the president of the borough of the Bronx and to Comptroller Metz. Payments were stopped, whereupon the contractor instituted proceedings to compel the comptroller to make two partial payments upon the contract in question, aggregating $14,180.12. The lower courts accepted the contractor's view and ordered the comptroller to pay. From this order an appeal was taken. The Court of Appeals upheld the constitutionality of the enacted law and sustained the comptroller in his refusal to pay. . . . The basis of the refusal . . . was that the statute expressly provides 'that no person or corporation shall be entitled to receive payment and no officer, agent or employee of the State or of a municipal corporation shall pay or authorize payment from funds under his control' for work done upon any contract which in its form or manner of performance violates the provisions of 'said section.' The court in construing the latter clause expressed its views as follows: 'The words "manner of performance" manifestly refer, among other things, to the number of hours per diem that laborers are required to work.' "

In connection with the enforcement of the eight-hour law, the department this year has to deal with some peculiar phases of the problem. Some of the Barge Canal contractors got into trouble over a loose construction of the emergency clause contained in the statute. Several investigations were made by officers of the bureau of factory inspection, disclosing violations of the law. Notices in each case were promptly served upon the state engineer and surveyor and upon the state comptroller. It developed thereafter, practically in every instance, that the contractor had exceeded the legal number of hours per diem, pursuant to some understanding with the special deputy state engineer and surveyor in charge of Barge Canal work, and emergency certificates executed by that official were produced. "On several occasions," says the commissioner, "I demurred orally

to the acceptance or recognition of such certificates, for the reason that in some cases prospective emergencies were regarded as sufficient reason for the issuance of a certificate, while in others a state of facts obviously contemplated and foreseen in the contract and specifications was made the basis of emergency certificates." Determined, as he says, "to put an end to such glaring evasions of the law" the commissioner addressed the following letter to every contractor on Barge Canal work: "According to Barge Canal Bulletin No. 5, issued June, 1908, your company is now engaged on Contract No. — of the Barge Canal. Your attention is respectfully directed to the provisions of Section 3, Article 1, of the Labor Law, relative to hours of labor and rates of wages on public work. This law applies to all work done under the contract above mentioned. Except in cases of 'extraordinary emergencies caused by fire, flood or danger to life or property,' to require or permit laborer, workman or mechanic to work on said contract for more than eight hours in one calendar day would constitute a violation of the law.

"It is the duty of this department to enforce this law, and this communication is sent to your company so that from this date there shall be no misunderstanding as to our purpose to insist upon rigid observance of the eight-hour law upon all Barge Canal contracts. We shall henceforth absolutely decline to recognize certificates of emergency covering instances where the eight-hour daily limit has been exceeded, by whomsoever given, unless it is shown conclusively that all work done involving such excess was due to actual emergency. Mere exigencies cannot be regarded or accepted as excuses for setting aside the statutory restrictions on the daily hours of workmen engaged to labor on public work. If we find that violators of this law are permitted on your contract, it will be our duty to call such violators to the attention of the state comptroller, who thereupon and thereafter is prohibited from paying for work done, or authorizing payment for such work to the persons or corporations complained of, any sum from the funds under his charge or control. It is hoped that there will not arise in connection with your contract an occasion for the exercise of such drastic measures to compel the observance of our law. But in any event this department will not hesitate to do its full duty in the premises. I sincerely trust that this communication will be accepted not as a threat, but as a fair warning that the law of the state must be respected."

The commissioner reports that since sending out the above letter the department has received no complaints of violations of the

eight-hour law on the Barge Canal. These details vividly illustrate not only the value of such legislation in relation to health, but also the difficulties and importance of educating contractors to respect law.

Recommendations of the Committee on Social Betterment,* Washington, D. C.

(1) The enactment of model factory and labor laws for the employes of the government and for the District of Columbia. Such laws, apart from regulating the hours of labor, should also make adequate provision for the sanitation of workshops, for employers' liability in case of accidents and for a comprehensive system of industrial insurance for all government employes and employes in the District of Columbia.

(2) The appointment by the President of a special board composed of architects and sanitarians now in the employ of the government for the purpose of evolving model plans and building regulations for government workshops and office buildings, so that no such buildings hereafter will be erected without due regard to air-space, ventilation, light, heating, temperature, humidity, sanitary conveniences, and other provisions, including sanitary supervision referred to in a previous report. . . .

(3) The establishment in the National Museum, and in connection with museums in industrial centers generally, of a special section devoted to exhibits illustrative of the hygiene of occupations, habitations, food, safety appliances and other collections for the promotion of industrial and social betterment of wage-earners. . . .

"Welfare Work" by Employers. Health of Workers

Laws are sometimes reinforced by "welfare work" of the more enlightened employers who are coming to recognize the demands of sanitary science and their duty to the employes in mines, mills, factories, shops, warehouses and mercantile establishments. The enlightened and humane employer can do more than the law requires; he can supplement its provisions, study the special conditions in his own works, and try experiments where results may be useful for improved regulations and laws. The responsibility of employers, apart from any factory legislation, is more fully recognized than formerly. Enlightened self-interest has led to many improvements

* This Committee (Dr. Geo. W. Kober, Chairman) was appointed by President Roosevelt to make inquiries into the conditions of life in the Capital city, and to make recommendations for improvement. The report was published in 1908.

and, with the diffusion of knowledge, will produce still larger results. By a process of natural or instinctive selection employers put a premium on health by refusing to employ those whose strength falls below a certain standard. But, in the light of modern science, this negative action must be supplemented by a wise and systematic effort to guard against the encroachment of disease.

The essential condition of such a thorough policy is a careful examination at frequent intervals of every person employed, and subsequent treatment under medical direction.

William H. Allen, in Civics and Health, says: "Adults are now examined when applying for insurance and accident policies, for work in railroads, for service in the army and on police and fire forces of cities that provide pensions. It is somewhat surprising that the hundreds of thousands who carry life insurance policies have not realized that a test that is rigorously imposed for business reasons by insurance companies can be applied by individuals for business reasons. Generations hence the state will probably require of every person periodical examination after school age. Decades hence business enterprises will undoubtedly require evidence of health and vitality from employes before and during employment, just as schools require such evidence from teachers. . . . It is a soul tragedy for a man to attempt a career for which he is physically unadapted. It is a soul tragedy when men and women squander health. A great deal of success attributed to luck and opportunity, or unusual mental endowment, is in reality due to a chance compatibility of work with physique. To secure such compatibility is the purpose of physical examination after school age."

Wm. H. Tolman, in Social Engineering, mentions ten companies that employ a social secretary. In the chapter on Hygiene he mentions upwards of forty companies who go beyond the requirements of the law in providing for the health and comfort of employes. Some of these companies operate over vast areas and employ many thousands of men. To illustrate: the United Shoe Machinery Company's buildings have 90 per cent of the walls made of glass, all windows can be opened to admit fresh air, forced ventilation is in use even in toilet rooms, the employes are provided with lockers, individual wash basins and shower baths; and in addition for female employes, bath tubs and a cosy rest room—all in charge of a matron.

Points that are watched by different companies may be named thus: The Plymouth Cordage Company besides providing a com-

plete change of air in the workrooms every fifteen minutes, employs an inspector to regulate the apparatus and watch the thermometers to see that an even temperature is maintained. The Fifth Avenue Bank of New York provides especially filtered water and shower baths before and after work. Parke, Davis and Company have dressing and toilet rooms for men and women in every building, dust collectors and blowers where needed, respirators and eye-shields for the protection of workers in the milling rooms and machine shops, safeguards on dangerous machinery and hot tea at the noon hour. In a certain factory, for all windows but those with a northern exposure, there are white curtains which keep out the direct rays of the sun without sacrificing any of the light. The International Harvester Company employs physicians to care for the health of its workers, also visiting nurses. No employes are accepted under sixteen years of age. Eighty janitors keep the twenty-three acres of floor-space in the factory of the National Cash Register Company perfectly clean. The floors are shellacked, preventing disease germs from spreading, and are scrubbed once a week. The National Biscuit Company, New York City, has a laundry which takes care of the table linen, the towels and the overalls and aprons worn by employes. The Weston Electrical Instrument Company maintains a swimming pool for the use of its workers. Fifteen minutes of the company's time are given daily to the employes of the Roycroft Shop for physical exercise, either out of doors or in a gymnasium under care of a physical director. The Cleveland Hardware Company maintains a restaurant in which employes may secure the best of lunches at minimum cost.

Some superior employers have studied the economic waste involved in fatigue from too prolonged labor without a period of recuperation.

Section 6 of the discussion of fatigue in the Report on National Vitality, 1909,* is devoted to the discussion of the present working day. "The present working day is a striking example of the failure to conserve national vitality. In order to keep labor power unimpaired, the working day should be physiological—*i. e.*, it should be such as would enable the average individual to completely recuperate over night. . . .

"The fatigue of workmen is largely traceable to their long work day and serves to start a vicious circle. Fatigue puts the workman in an abnormal frame of mind. He seeks to deaden his fatigue by alcohol, tobacco, exciting amusements, and excesses of various kinds.

* Senate Doc. 419, p. 45. Washington, 1909.

The momentary relief which he thereby obtains is purchased at the expense of an increasing susceptibility to fatigue, resulting sooner or later in complete depletion of his vital energies and in contraction of tuberculosis or some other fatal disease. The decrease in the length of the working day has not diminished the total output."

This last statement is borne out by testimony from manufacturers in England and in Germany. In the latter country, in two cases the decrease in hours was followed by an increase in output.

The Solvay Process Company of Syracuse, installed in 1892 a system of three eight-hour shifts in place of the two previous shifts of eleven and thirteen hours. President Hazard of the company writes: "In general, I can say that the results of a change from a twelve-hour shift to an eight-hour shift were very satisfactory and have continued to be so. While the immediate result was to considerably increase the cost per unit of product, the efficiency of the men gradually increased, so that at the end of about one year the first increase had been overcome and the cost per unit of product fell to a point even lower than had been obtained under the twelve-hour shift; and further, the time consumed per unit of product has since been so reduced that we are today and for some time have been operating with a smaller number of hours per unit of product than we had under the twelve-hour shift."

Further proof of the benefit of the change to the three-shift day is furnished by the records of the Solvay Mutual Benefit Association for 1891–1904. The days lost per man by sickness each year fell from seven and one-half days in 1891 to five and one-half days in 1904.

"A number of employers like the Fels Brothers of Philadelphia, the Procter and Gamble Company, the National Cash Register Company, the Enterprise Manufacturing Company, and others have voluntarily reduced the hours of work from one-half hour to two hours per day, many of them, especially the last named, having fully tested during many years the Saturday half-holiday and found it satisfactory."*

PREMATURE EXPLOITATION OF CHILDREN

The evil of child labor itself grew out of the possibility of securing the service of children at lower rates of wages than those paid to adults, and the introduction of machinery in many cases increased this employment of the feeble and undeveloped human laborers.

* Shuey, Edwin L.: Factory People and Their Employers. Lentilhon and Co., 1900.

The progress of science and general intelligence has brought to light the nature and extent of the evil involved, the exhaustion of labor power, the destruction of life and the degradation of character consequent on lowered vitality and loss of education and time for play. It has been found that premature employment of children breeds truancy, vagrancy and hatred of regular work; and that young girls are morally injured by the rude surroundings and associations of the shop.

Child Labor Legislation; the Social Problem Stated

Mrs. Florence Kelley devotes the first chapter of her classic treatise* to the consideration of The Right to Childhood. "An unfailing test of the ethical standards of a community is the question, 'What citizens are being trained here?' . . . Within one generation it has been necessary to enforce with fines and imprisonment statutes and ordinances for the purpose of stopping large numbers of infants less than one year old from being used to contribute to the income of their owners by being exposed in the arms of begging women upon the streets of great cities. The colder the night and the later the hour, the more overwhelming the appeal to the pity of the passerby and the greater pecuniary value to its owner (not by any means always its mother) of such an instrument for securing income. . . . The suppression of this exploitation of infants is a clear gain for the moral sense of the community, not only because the lives and health of the babies are protected, but because a perverted and unwholesome outlet for unreasoning pity is cut off, and a higher form of reasonable care for childhood is substituted therefor.

"Though most states leave the life of childhood sacred to sleep, play and rapid growth up to seven years, yet in the spring of 1903, a kindergartner in New York City, on missing from her class an Italian brother and sister aged four and five years, and visiting them in their homes, was told by their mother that they could not be spared from their work. . . . They were engaged in wrapping colored paper around pieces of wire, to form stems of artificial flowers which the family manufactured in their tenement home. The children were exempt by reason of youth from the compulsory school attendance law, and from the factory law because they received no wages. . . . Such exploitation of very young children . . . is practised whenever manufacture in tenements is tolerated. . . .

*Some Ethical Gains through Legislation. The Macmillan Co., 1905.

This form of domestic overwork of little children can be eliminated by effective prohibition of manufacture in the tenements . . . and in no other way. Until this prohibition is enacted and enforced, there will be, wherever the needle trades and other industries are carried on in homes, virtually no lowest limit above the age of three years for the employment of children in families. For children can pull out basting threads, sew on buttons, paste boxes and labels, strip tobacco and perform a multitude of simple manipulations as readily as they can learn the kindergarten occupations. In Boston, the rigorous enforcement of the licensing laws applied to home work has partially restricted this form of exploitation of young children; and has revealed the interesting fact that the ethical standard of the people of Massachusetts is higher in two important respects than that attained by any other manufacturing community. For the young children are incomparably better protected against domestic overwork by the partial restriction of manufacture in homes; and the officials appointed to watch over tenement house manufacture are the only ones in the United States who know from ten years of experience that they are in no danger of being removed from office because of faithful performance of their arduous and often dangerous work.* . . .

"Far more difficult to reach by statute is the oppression of little girls under the burden of household drudgery at cost of school attendance. . . . Many of them attend school just enough to save their parents from penalties, . . . but so irregularly that progress with the class is impossible and school is one long discouragement. For the children . . . that new provision must in the long run prove a godsend which now requires a child before beginning to work for wages, to show that it has completed the curriculum of the first five years of the public schools, and has, within the preceding school year, attended school one hundred and thirty days. This measure places a premium, in the shape of wage-earning capacity at the fourteenth birthday, upon steady progress in school and, therefore, on regular attendance. . . . The statute thus re-enforces parental duty and stops the pressure of drudgery upon defenseless children within the family. Unfortunately, it is too slight and indirect. . . . The next step might well be the adoption of an objective standard applied to the child herself. If it were required that a girl must weigh 80 pounds and measure 60 inches in height,

*Since the book cited here was published other states have imitated Massachusetts,—largely in consequence of the apostolic zeal of Mrs. Kelley.

the test to be made with scales and measuring rod in the school, besides being able to read fluently and write legibly in the English language, before leaving school, the danger of oppression of little girls within the family circle would be greatly reduced. . . . In New York, under the statute of 1903, a child must not only reach the fourteenth birthday and the normal stature of a child of that age (so certified by a special officer of the board of health appointed for the purpose) before beginning work in manufacture or commerce, it must also have been instructed in reading, spelling, etc. . . . and *must show* that it can read fluently and write legibly in the English language."

One incidental result, says Mrs. Kelley, is that it is no longer profitable for Russian and Italian families to import half-grown and illiterate relatives from Europe. "Thus one of the ugliest growths of the padrone system is cut off at the root by the statutory protection of children from work while they remain ignorant."

The penal code of New York prohibits under heavy penalties the employment of girls under sixteen in street occupations. A similar prohibition is needed for boys.

"Among American cities Boston, Buffalo and New York are dealing systematically with very young children working as newsboys. In all these cities attempts are made to eliminate newsboys under the age of ten years." There is an unfounded belief, says the author, that assumes a widowed mother or disabled father for every such diminutive worker. . . . Over against the prevalence of this unfounded assumption, the sweeping prohibition of street work for children under the age of ten years registers a distinct ethical gain. It restores the burden of support in early childhood to the parents or to the community, where it properly belongs. A case arising in New York City under the 'newsboy law' illustrates the point. A child was arrested charged with offering to sell papers without wearing the badge required by law. He was nine years and six months old. On the following day several newspapers printed headlines of which the following is typical: "Tiny Breadwinner Arrested for Selling Papers." Investigation showed the father to have deserted his family, the mother to have become insane, and the three children to have fallen into the direst need. Thanks to the 'newsboy law,' immediate attention was drawn to them, the mother was taken to a hospital, the children were provided with homes and the search for the absent father was begun. Without the law what would have befallen the family, and what would be

the ethical standard of a community which allowed the support of a family consisting of an insane woman, a child younger than himself, and an infant, to devolve upon a boy of nine years? . . . The boys in New York, Boston and Buffalo who wear badges, indicating their right to sell papers, are now school boys authorized by their parents and the board of education to work, out of school hours, until ten o'clock at night. Every one of them is vouched for by a parent or guardian whose name and address is known to the board of education. There are no waifs or strays among them. . . . In these three cities the next step will doubtless be taken in the direction of raising the age for beginning work to twelve years and restricting the working day to the hours between seven in the morning and seven at night. Ten o'clock is too late . . . and the law of Illinois demonstrates that seven o'clock is a feasible limit for the work of children under sixteen in manufacture and commerce. Surely it is not too narrow a limit for children under fourteen working in the streets.

"Legislation of a like sort is needed for them. Carrying messages, like selling papers, has seemed to the employing companies and to the thoughtless public to be 'boys' work' . . . because boys can do it and because they can be obtained more cheaply than men. The test of the work, however, should be not whether boys can do it, but what it does to boys. . . . The very out-of-door variety and facility of the work of the messenger contributes to make the work unfit for young lads. . . . Every judge of a juvenile court at an early stage of his experience with delinquent boys, becomes impressed with the unfitness of work upon the streets as messengers and telegraph deliverers, for children. A judge told the writer that one-third of all the delinquent boys brought before him had, at one time or another, served the public as messenger boys. . . . Every reformatory institution which keeps adequate records of the previous history of the boys committed to its care, can shed a flood of light upon the demoralization of lads due to this service upon the streets."

Mrs. Kelley illustrates this point as follows: "The first day of a boy's service as messenger he was sent with $170 to buy stamps. Intoxicated with the possession of a greater sum than he had ever seen in all his life, he showed the money to another boy who persuaded him to go with him to the races. In one ruinous day, the boy passed from the ranks of working children to those of the juvenile criminals recorded in the county jail. The temptation involved in handling precious possessions not his own besets the messenger boy throughout his career. And the contact with disreputable people is not confined

to chance acquaintances upon the streets, but inheres in the work itself, thousands of messages to such persons of both sexes being delivered every year by young lads who are constantly sent, in the way of business, to places of the existence of which more fortunate children are carefully kept in ignorance. The judge who presides over a justly famous juvenile court told the writer that in his opinion two-thirds of the messages delivered after eight o'clock at night in his city were carried by children to places of bad character. According to the penal code of New York, messenger boys may be sent to the door of places to which no other child can be sent without involving the sender in the danger of criminal prosecution. Surely cynicism can go no further than this."

The writer then speaks of the irregular meals "consisting commonly of bread or cake with the vilest coffee" as sapping vitality. "Such meals foster the craving which seems universal among workers upon the streets, for cigarettes and liquor. The incessant temptation to overcharge is enhanced by the longing for these stimulants. . . . The ease with which overcharges may be collected and the relative safety from detection sap the habit of honesty in nearly all messenger boys. The writer has had a wide experience of working boys and has never known a messenger who did not, sooner or later, succumb to the temptation to overcharge. . . . The stirring opportunities afforded by the life of the streets . . . together with the absence of personal oversight, conspire to lure the messengers to commit minor offenses. All these considerations taken together have effectually convinced students of the child-labor problem that the messenger and telegraph delivery services rank among the boy-destroying occupations."

One telegraph company had on its pay-rolls in 1902, 6,000 boys in order to keep the daily working force at 2,000 boys. The writer then supposes the case of a boy who has been through the experiences of a messenger and yet retains his health and is honest. "He has nothing to show for his two years of labor. They have fitted him for no other occupation." One of the problems of the settlements is to find work for the boys who have outgrown the messenger's uniform. "The lads have learned nothing that is of value to them. There is no versatility in them. . . . Their eagerness to make a record for promptness and speed has all oozed away. They are no longer dazzled at the prospect of earning $4.00 a week. . . . They simply sit still and wait for something to turn up, rather better pleased if nothing can be found for them to do."

Every consideration adverse to the employment of boys as messengers holds with added weight against the employment of girls. Mrs. Kelley indicates the possibility of the patron's doing something to better conditions. She relates that it is said that President Eliot once notified the Harvard Square office of the Western Union Telegraph Company that the rule of the college must be observed which forbids women without escort to visit the dormitories. The company took heed and governed itself accordingly. Certain business offices in New York City refuse to accept little boys as messengers. As a result larger boys are supplied to them.

"Ohio prohibits the employment of boys under sixteen years of age, and of girls under eighteen after 7 p. m. But the law is not, in general, well enforced, and the writer has seen young boys and has heard upon trustworthy authority of young girls being employed, in that state, late at night. Illinois prohibits the employment of boys and girls alike after the hour of 7 p. m. In New York the enforcement of the law for the protection of the messenger and telegraph boys, is, unfortunately, left to the local boards of health, and the statute is, therefore, largely negative."

The author says that an effort should be made to employ men in these capacities. Especially should a one-armed man, otherwise qualified, have such an opportunity as that of acting as messenger. But the need here goes deeper. Incidentally it has to do with the efficiency of the service, but primarily it is in the interest of the children.

"It is probable that there is a close connection between the unusually high wages paid to children in retail trade in New York and the restrictions upon their work, both being in excess of the wages and restrictions common elsewhere. Children of the grade of intelligence here described are worth better pay than younger, more ignorant children. . . . On the other hand such restrictive legislation tends to stimulate the use of systems of mechanical cash-carrying; for the higher wages of the protected children are worth saving. This is clear gain for the merchant, the children and the community; for the work of cash-children is the least desirable of all phases of retail trade. The act of carrying cash is in itself a gross temptation. . . . The amounts pilfered by children are usually so trivial that it is rarely thought worth while for the employer to prosecute the offender. A child who has been guilty of petty thieving is usually dismissed and replaced by another. But in the life of the tenement nothing is hidden; and on the following day all his asso-

ciates know what has happened and the brand of thief is upon the offender. Every reduction in the number of children required for this work is, therefore, a gain for the morals of the working children. The best measures yet enacted for the protection of girls in retail trade are wholly inadequate. . . . Girls are, of course, subjected to exactly the same temptations to pilfering as boys. . . . An immoral floor walker or head of a department possesses appalling power for evil over the lives of the girls who are subject to his direction."

Mrs. Kelley summarizes as follows her suggestions for prevention:

"An effective child labor law rests upon certain prohibitions, among which are the following:

Labor is Prohibited

(1) for all children under the age of fourteen;
(2) for all children under sixteen years of age who do not measure sixty inches and weigh eighty pounds;
(3) for all children under sixteen years of age who cannot read fluently and write legibly simple sentences in the English language;
(4) for all children under the age of sixteen years, between the hours of 7 p. m. and 7 a. m., or longer than eight hours in any twenty-four hours, or longer than forty-eight hours in any week;
(5) for all children under the age of sixteen years in occupations dangerous to life, limb, health or morals.

The Child

"Effective legislation requires that before going to work the child satisfy a competent officer appointed for the purpose, that it

(1) is fourteen years of age, and
(2) is in good health, and
(3) measures at least sixty inches and weighs eighty pounds, and
(4) is able to read fluently and write legibly simple sentences in the English language, and
(5) has attended school a full school year during the twelve months preceding going to work.

The Parent

"Effective child labor legislation requires that the parent

(1) keep the child in school to the age of fourteen years and longer if the child has not completed its required school work, and

(2) take oath as to the exact age of the child before letting it begin work, and

(3) substantiate the oath by producing a transcript of the official record of the birth of the child, and must

(4) produce the record of the child's school attendance, signed by the principal of the school which the child last attended.

The Employer

"Effective child labor legislation requires that the employer before letting the child begin work

(1) Obtain and place on file ready for public inspection papers showing

(a) The place and date of birth of the child substantiated by

(b) the oath of the parent corroborated by

(c) a transcript of the official register of births, or by a transcript of the record of baptism, or other religious record of the birth of the child, and by

(d) the school record signed by the principal of the school which the child last attended, and by

(e) the statement of the officer of the board of education designated for the purpose, that he has approved the papers and examined the child.

(2) After permitting the child to begin work, the employer is required to produce the foregoing papers on demand of the school attendance officer, the health officer and the factory inspectors.

(3) In case the child ceases to work, the employer must restore to the child the papers enumerated above.

(4) During the time that the child is at work, the employer must provide suitable seats, and permit their use so far as the nature of the work allows, and must

(5) post and keep posted in a conspicuous place the hours for beginning work in the morning and for stopping

work in the middle of the day; the hours for resuming work and for stopping at the close of the day; and all work done at any time not specified in such posted notice constitutes a violation of the law. The total number of hours must not exceed eight in any one day or forty-eight in any one week.

The Officials

(1) Give their whole time, not less than eight hours of every working day, to the performance of their duties, making night inspections whenever this may be necessary to insure that children are not working during the prohibited hours; and
(2) Treat all employers alike, irrespective of political considerations, of race, religion or power in the community;
(3) Prosecute all violators of the law;
(4) Keep records complete and intelligible enough to facilitate the enactment of legislation suitable to the changing conditions of industry.

The School

"The best child labor law is a compulsory education law covering forty weeks of the year and requiring the consecutive attendance of all the children to the age of fourteen years. It is never certain that children are not at work, if they are out of school. In order to keep the children, however, it is not enough to compel attendance,—the schools must be modified and adapted to the needs of the recent immigrants in the North and of the poor whites in the South, affording instruction which appeals to the parents as worth having, in lieu of the wages which the children are forbidden to earn, and appeals to the children as interesting and attractive. These requirements are so insufficiently met in the great manufacturing centers of the North that truancy is, in several of them, at present, an insoluble problem. No system of child labor legislation can be regarded as effective which does not face and deal with these facts. The evolution of the vacation school and camp and play centers promises strong reenforcement of the child labor laws, which are now seriously weakened by the fact that the long vacation leaves idle children whom employers covet by reason of the low price of their labor, while parents, greedy for the children's earnings and anxious lest the children suffer from the life of the streets, eagerly seek work for them."

Measures to Restrict and Control the Employment of Children and Youth

The most important factor is the legislation of the several states prohibiting or regulating child labor and the provision of a factory inspector's department for enforcing the law.

Without the co-operation of such voluntary associations of philanthropic citizens as the National Child Labor Committee, the Consumers' League and the American Association for Labor Legislation such laws would neither be passed nor, if enacted, enforced.

The exploitation of children in factory labor is often excused by the poverty of parents who seem to need the earnings of their children. But Dr. S. Adolphus Knopf (in his paper on The Ætiology, Prophylaxis and Treatment of the Social Ill, May 2, 1908,) says that "in a few instances where child labor seems necessary to help support the family our local Consumers' League comes to the rescue by according scholarships to the children." In comparatively few instances have these scholarships been found necessary. In Indiana the law requires the relieving officers to supply the necessities of life to a poor family in such a situation. It marks a low stage of social morality in those states which legally permit an indigent parent to send his little ones to labor.

With regard to the first suggestion of Mrs. Kelley (page 101), that labor be prohibited for all children under the age of fourteen, it may be noted that twenty-five states make such prohibition, vitiated, however, by numerous exemptions as to certain periods of time and certain occupations. Poverty in the family also frequently works legal exemption. The summer vacation is generally an "open season" for the exploitation of child labor. No legislation looking to the physical requirements suggested by Mrs. Kelley has as yet been enacted by any state.

The requirements regarding education are in part met by compulsory school attendance and by certain restrictions on the employment of children during the school term. Forty-one states and territories have compulsory school attendance enactments, covering a part or the whole of the school term for children from seven to twelve years of age, seven to fourteen, seven to fifteen, eight to fourteen, seven to fifteen, or eight to sixteen. Prohibitions as to the employment of children during the school term exist in thirty-nine states and territories. These prohibitions are often conditioned on the educational advancement of the children.

As to Mrs. Kelley's fourth stipulation, that labor be prohibited

for all children under sixteen years between the hours of 7 p. m. and 7 a. m., or longer than eight hours in any twenty-four hours, or longer than forty-eight hours in any week, we find our legal enactments unsatisfactory. Hours per day range from 8 to 12 in the prohibited occupations, hours per week from 46 to 60, and night work is prohibited in twenty-eight states, in one case for girls only. However, in some cases we find this restriction extended to include *girls* under eighteen.

Only a few of the states have in their legal enactments concerning child labor taken note of occupations dangerous to life, health or morals. Thirty-seven states require affidavit that children who are working are not employed in violation of law.

Howell Cheney, an enlightened employer, of the Cheney Silk Mills, South Manchester, Conn., at the meeting of the Child Labor Committee in 1909, speaking of Restrictions of Child Labor in Textile Industries, says: "In all those departments where the work requires consecutive labor demanding concentration, attention and care, there is now a unanimity of opinion that a textile industry can do better without than with children, until they are at least fifteen years of age. . . .

"We are constantly raising the standard of our goods, and hence the workmanship. . . . The great strides in improved machines have not been made without a nearly proportionate increase in the capital invested, and hence it is increasingly necessary to secure the maximum production of machinery to pay a fair return on capital. . . . Consider, therefore, how much more necessary it is to watch the product of a machine and its operator per day and hour. . . . The processes already described include all those in silk manufacturing in which the work is continuous and demands more or less constant attention as long as the machinery runs. In these there is no economy in the employment of children, at least until they are fifteen years of age."

EXPLOITATION OF WOMEN IN INDUSTRY

While it is generally recognized that women have a right to earn a living, and that remunerative occupation is for many an economic necessity as well as a physiological advantage, the dangers attending their employment have not failed to command attention. This is shown in the discussions of laws already cited.

Married women are more rarely engaged in industry for wages than in European countries, because the wages of the men are here

more generally high enough to support the family without this addition; and the tendency of public sentiment is favorable to giving married women time and opportunity to fulfill their important functions as homemakers and educators of the children.

The employment of women in industries is causally related to crime. Frequently the excessive strain exhausts the vitality of young girls and women and makes them incapable of training and rearing healthy children. When married women are kept at hard work up to the time of confinement and return too soon afterward, both mother and child must suffer. Not seldom the family life is demoralized when the mother must leave the household many hours a day to earn a living in factory or shop. The cooking of food is neglected; the children lose the maternal care and affection; the husband finds the home less attractive than the saloon and wanders away into temptation.

The neglect of children by poor mothers who are compelled to work away from home is a frequent cause of juvenile delinquency. Miss Jane Addams is quoted as having said at the Conference on the Care of Dependent Children held in Washington, D. C., January 25, 1909, that in the matter of minimizing dependency we have much to learn from Europe; that there are seven European states where women are prohibited from doing night work outside their homes, and five where women are compelled to refrain from work outside their homes, it being felt that the care of her children is the most important work a woman can do.

Regulations of the occupation of women in general relate to prohibition of unsuitable employments—as in mines; the prohibition of night work; provision of separate toilet facilities; the requirement that seats shall be provided by employers and their use permitted as far as practicable.

The regulation of hours of adult women has been secured very slowly and is still limited to exceptional conditions where the health of women is sure to be injured by excessively long periods of toil.

The story of the famous Oregon case has been admirably told by one of our most influential magazines, from which we quote.*

"The story of the fight on behalf of overworked women which was won before the United States Supreme Court, may put heart into those who believe that ultimately we shall make industry for the sake of humanity and not regard humanity as existing for the sake of industry. As *The Outlook* has reported, the state of Oregon pro-

* *The Outlook*, March 21, 1908.

ceeded against a laundryman for violating one of its laws by employing women for a greater number of hours than the law allowed. The highest court in Oregon sustained the law, and the laundryman appealed. Thereupon the Oregon State Consumers' League notified the National Consumers' League that ammunition was needed to contest the appeal before the United States Supreme Court. The case involved not merely legal questions, but also questions of social and industrial conditions. As in any such case where special questions are raised, the prosecuting officer exhibits wisdom in calling upon an expert to give assistance. Through the good offices of the National Consumers' League, Mr. John Manning, the district attorney who had the case in charge, invited Mr. Louis D. Brandeis, of Boston, to co-operate. Mr. Brandeis, who gave his services gratuitously in this case, saw that the crux of the case lay in the human facts, medical and social, involved in woman's work. He outlined a brief and called upon the National Consumers' League to collect and arrange the facts. Although the time was short, Miss Josephine Goldmark, of the League, commenced delving into the libraries—Columbia University Library, the Astor Library, and the Congressional Library were put at her service. Ten readers were busied in the labor. One of them, a young medical student, devoted himself wholly to reading on the hygiene of occupations. It is significant that there is a lack of American statistics on this subject; there is plenty of opinion; the conditions are a matter of common knowledge; but what we need are specific facts. Evidently Europe is ahead of America in this respect, and the foreign medical opinions are among the most impressive which were ultimately incorporated in the brief. It is only a lawyer with a broad view and a large mind who would be willing to do what Mr. Brandeis did—go before the Supreme Court of the United States with a brief of one hundred and thirteen printed pages, of which only two pages could be construed as a strictly legal argument. It was a unanimous decision by the Court that the present and future mothers of the race are worthy of defense against the greed of man. The brief has attracted very wide attention; there is demand for it from lawyers, economists, college professors and publicists."

The following is a condensation of a brief for the defendant, prepared as described by *The Outlook:*

"This case presents the single question whether the Statute of Oregon, approved February 19, 1903, which provides that 'no female (shall) be employed in any mechanical establishment or factory or

laundry more than ten hours during any one day' is unconstitutional and void as violating the Fourteenth Amendment of the Federal Constitution.

"The decision in this case will, in effect, determine the constitutionality of nearly all the statutes in force in the United States, limiting the hours of labor of adult women."

The brief then recites the laws of nineteen states limiting the working hours of women.

Argument

"The legal rules applicable to this case are few and are well established, namely:

First: The right to purchase or to sell labor is a part of the 'liberty' protected by the Fourteenth Amendment of the Federal Constitution.

Second: This right to 'liberty' is, however, subject to such reasonable restraint of action as the state may impose in the exercise of the police power for the protection of health, safety, morals and the general welfare.

Third: The mere assertion that a statute restricting 'liberty' relates, though in a remote degree, to the public health, safety or welfare does not render it valid. The act must have a 'real or substantial relation to the protection of the public health and the public safety.' It must have a more direct relation, as a means to an end, and the end itself must be appropriate and legitimate.

Fourth: Such a law will not be sustained if the Court can see that it has no real or substantial relation to public health, safety or welfare, or that it is 'an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty or to enter into those contracts in relation to labor which may seem to him appropriate or necessary for the support of himself and his family.'

But if the end which the legislature seeks to accomplish be one to which its power extends, and if the means employed to that end, although not the wisest or best, yet are not plainly and palpably unauthorized by law, then the Court cannot interfere. . . .

Fifth: The validity of the Oregon statute must therefore be sustained unless the Court can find that there is no 'fair ground,' reasonable in and of itself, to say that there is material danger to public health (or safety) or to the health (or safety) of the employes (or to the general welfare), if the hours of labor are not curtailed.

. . . . . .

"The facts of common knowledge of which the Court may take judicial notice . . . establish, we submit, conclusively, that there is reasonable ground for holding that to permit women in Oregon to work in a mechanical establishment, or factory, or laundry more than ten hours in one day is dangerous to public health, safety, morals or welfare."

Then follows an account of American and European legislation. The American legislation is of chief interest in our present discussion.

"Twenty states of the Union, nearly all of those in which women are largely employed in factory or similar work, have found it necessary to take action for the protection of their health and safety and the public welfare, and have enacted laws limiting the hours of labor for adult women. This legislation has not been the result of sudden impulse or passing humor,—it has followed deliberate consideration, and has been adopted in the face of much opposition. . . . In no instance has any such law been repealed. Nearly every amendment in any law has been in the line of strengthening the law or further reducing the working time. . . .

"The earliest act which effectively restricted hours of labor for women was Massachusetts Statute, 1874, Chapter 34, which fixed the limit at ten hours. The passage of the Massachusetts act was preceded by prolonged agitation and repeated official investigation. The first legislative inquiry was made as early as 1865. After the Massachusetts act had been in force six years, an elaborate investigation of its economic effects was undertaken by the Massachusetts Bureau of Labor Statistics, under the supervision of its chief, Mr. Carroll D. Wright. His report, published in 1881, . . . to the effect that the reduction in hours of labor had not resulted in increasing the cost or reducing wages, led to the passage in 1885 and 1887, of the ten-hour law for women in Rhode Island, Maine, New Hampshire and Connecticut, and largely influenced the legislation in other states. . . . In no state has any such law been held unconstitutional, except in Illinois."*

With regard to the bad effect of long hours on morals, the brief says: "The effect of overwork on morals is closely related to injury to health. Laxity of moral fibre follows physical debility. When the working day is so long that no time whatever is left for a minimum

* The Supreme Court of Illinois has in a decision of 1910 redeemed itself by taking modern ground and reversing the decision here mentioned.

of leisure or home life, relief from the strain of work is sought in alcoholic stimulants and other excesses."

We quote a few of many opinions:

"Overwork is the fruitful source of innumerable evils. . . . It cripples the body, ruins health, shortens life. It stunts the mind, gives no time for culture, no opportunity for reading, study or mental improvement. . . . It tends to dissipation in various forms. The exhausted system craves stimulants. This opens the door to other indulgences, from which flow not only the degeneracy of individuals, but the degeneracy of the race."*

"I have noticed that the hard, slavish work is driving those girls into the saloons, after they leave the mills evenings . . . good respectable girls, but they come out so tired and so thirsty and so exhausted . . . from working along steadily from hour to hour and breathing noxious effluvia from the grease and other ingredients used in the mill. Wherever you go . . . near the abodes of people who are overworked, you will always find the sign of the rum-shop. Drinking is most prevalent among working people where the hours of labor are long."†

"Any one who has read the evidence given in the various inquiries into the sweating system will have been struck by the invariable coincidence of a low standard of regularity, sobriety and morality, with the conditions to which women under free competition are exposed."‡

The bad effect of long hours on general welfare is discussed:

"The experience of manufacturing countries has illustrated the evil effect of overwork upon the general welfare. Deterioration of any large portion of the population inevitably lowers the entire community physically, mentally, and morally. When the health of women has been injured by long hours, not only is the working efficiency of the community impaired, but the deterioration is handed down to succeeding generations. Infant mortality rises, while the children of married workingwomen, who survive, are injured by inevitable neglect. The overwork of future mothers thus directly attacks the welfare of the nation."

A few of the authorities cited in support of this thesis are quoted first under the heading, The State's Need of Protecting Women:

* Massachusetts Legislative Document, House, 1866, Number 98.

† Relations between Labor and Capital, U. S. Senate Committee, 1883, Volume I. Testimony of Robert Howard, mule-spinner in Fall River Cotton Mills.

‡ The Case for the Factory Acts. Edited by Mrs. Sidney Webb, London, 1901.

"It is the idea of the German Emperor that the industrial question demands the attention of all civilized nations. . . . The quest of a solution becomes not only a humanitarian duty, but it is exacted also by governmental wisdom, which should at once look out for the well-being of its citizens and the preservation of the inestimable benefits of civilization."*

"The family furnishes the really fundamental education of the growing generation—the education of character; and the family life thus really determines the quality of the rising generation as efficient or non-efficient wealth producers. If a reduction in the hours of labor does promote the growth of a purer and better family life, it will unquestionably result in the production of greater material wealth on the part of the generation trained under its influence; nothing else, in fact, will so effectively diminish the vast number of criminals, paupers, and idlers who, in the present generation, consume the people's substance."†

"More and more our people are growing to recognize the fact that the questions which are not merely of industrial but of social importance outweigh all others; and these two questions (labor of women and children) must emphatically come in the category of those which affect in the most far-reaching way the homes of the nation."‡

Progressive physical deterioration produced by family labor in factories: "Among that class of people you find many puny, sickly, partly developed children; every generation growing more and more so."

Connection between continuous factory labor and premature old age: "Very few live to be old that work in a factory."§

"Factory life brings incidentally new and depressive effects, which those whose experience has been wholly agricultural do not appreciate. But the experience of states which have pushed their way from agricultural to manufacturing industries, and have found that their delay in protecting the factory employes has weakened the physical and moral strength of the new generation of working people, would seem to be an experience which the citizens of new manufacturing states would hope to avoid."‖

* International Conference in Relation to Labor Legislation, Berlin, 1890.

† New York Bureau of Statistics. Report, 1900.

‡ President Roosevelt's Annual Message delivered to Second Session of 59th Congress, December 4, 1900.

§ Massachusetts Bureau of Labor Statistics. Report, 1871.

‖ United States Industrial Commission. Report, 1901.

"This needed protection to women can be afforded only through shortening the hours of labor. A decrease of the intensity of exertion is not feasible."

In support of this last the brief cites:

"It is certain that any program for reducing this intensity must fail. The entire tendency of industry is in the direction of an increased exertion. Any restrictions on output must work to the disadvantage of American industry, and the employers are often right in their demand, usually successful, that such restrictions be abandoned."*

"The factory system makes this (shortening hours) more and more necessary in proportion as it is perfected in its mechanism. It becomes all the time more and more exacting. . . . If it calls for too much strenuous attention, too much nerve exhaustion, then the nerve exhaustion must come or the machinery is a failure. The remedy . . . cannot be found in slackening up on the demands for economic output and effectiveness of machinery. . . . The remedy for that must come on the other side, shortening the day, not slackening the effort."†

"History, which has illustrated the deterioration due to long hours, bears witness no less clearly to the regeneration due to the shorter working day. To the individual and to society alike, shorter hours have been a benefit whenever introduced. The married and the unmarried workingwoman is enabled to obtain the decencies of life outside of working hours. With the improvement in home life, the tone of the entire community is raised. Whenever sufficient time has elapsed since the establishment of the shorter working day, the succeeding generation has shown extraordinary improvement in physique and morals."

"Ten years ago, when I first made the effort to introduce the Factory Acts in London, I was frequently met with the statement on the part of employers that the tendency of the Act would be to encourage prostitution, because, by giving the women an enforced leisure, they would be exposed to additional temptation. . . . There has been quite a revolution during that period in the conditions in which seamstress work is carried on in the metropolis. The employment of them in workshops and factories has increased enormously, but I can find no employer willing to commit himself to the opinion that in their respective classes there has been any deterioration in the

* United States Industrial Commission. Report, 1901.

† Industrial Conference . . . of the National Civic Federation, N. Y., 1902.

character and conduct of the work people. All the evidence indeed which I have obtained goes to establish the contrary."*

"There is no need again to raise to public view the crooked and attenuated creatures of that bygone period. . . . The 'factory leg' and the curved spine were a proverb and a reproach. . . . There is scarcely now to be seen in any of the manufacturing districts a crooked leg or a distorted spine as the result of factory labor. The physical condition of the future mothers of the working classes may be challenged to meet that of any mothers of any country."†

Lord Ashley said: "Upon the good moral and social influence of the change, the testimony is most favorable from the clergymen and school teachers throughout Yorkshire and Lancashire. How have the women used their time? Hundreds of them are attending evening school, learning to read and write and to knit and sew, things that they could not have learned under the twelve-hour system."‡

There is much more in the brief—proof that shortening hours does not decrease or lower the quality of the output; that it conduces to regularity of employment; that customers adapt themselves to the shorter hours; that the processes of manufacturing are improved.

"Welfare Work" of Employers to Protect Women

"Among the most desirable things is the matter of shorter hours for women. The experience of a number of leading manufacturers has indicated that equal results may be obtained in many forms of manufacture in the shorter hours. Fels and Company, of Philadelphia, gradually reduced the time of their women from ten to eight hours, girls working five days in the week. At the same time the wages have increased. The Lever Brothers' Company has had a similar experience. The National Cash Register Company in the same manner reduced its hours for women from ten to eight, bringing them to their work at 8 a. m. and leaving at 5:20, ten minutes before the men. This arrangement of having the women leave work before the men has had a remarkable influence, wherever adopted, in the general attitude of the men and women throughout the factory. In this and in other cases, the women also have Saturday half-holidays. Many companies provide a week's vacation, with pay, each year for the young women.

* British Chief Inspector of Factories and Workshops, Report, 1877.

† British Chief Inspector of Factories and Workshops, Report, 1859.

‡ Massachusetts Bureau of Statistics of Labor, Report, 1873. On Results of Ten-hour Labor Law in England.

"Another feature which has also been found possible in many factories where women are employed and very successful where tried is the ten minute recess in the middle of the mornings and afternoons. . . . The New York Telephone Company grants twenty minutes recess twice a day. . . . The National Cash Register Company furnishes and launders the white aprons and sleeves which are worn by all women during the working hours. . . .

"Reading rooms, rest rooms, pianos, baths, social rooms, lunch rooms, clubs, entertainments and playgrounds and other features mentioned elsewhere all have been tried and found valuable. . . . The Cleveland Window Glass Company, the Cleveland Hardware Company, the National Cash Register Company, Heinz and Company and others have found that everything of this kind done for the women brings abundant return. The Chicago Telephone Company employing about 500 young women, has made special provision. It provides a parlor, a reading room, lunch room, toilet rooms, a matron to keep oversight of the physical condition of the operators, and a relief system providing against undue strain. . . . The results of efforts of this kind are not only to improve the character of those employed, but, at the same time, to enable the company to obtain a higher class of women than would otherwise be possible."*

MOVEMENTS AND ORGANIZATIONS FOR THE IMPROVEMENT OF GENERAL PHYSICAL CONDITIONS

Visiting Nurses' Associations

The District Nurses' Associations, which have become well established in the confidence of the American public, deserve special mention in this place. They provide a considerable corps of intelligent, high-minded and trained nurses of the sick who systematically visit the homes of the poor in times of illness and help them with their instruction and direct demonstration of the best ways of caring for invalids. In doing this work they win personal influence which is favorable to morality.†

In studying this part of the subject a correspondence was carried on with representative women who have direct observation of the working and effect of the method. These letters are worth citing. They carry us into the heart of the movement.

Mrs. Horace K. Tenney in a letter of July 24, 1909, says, as to

* Shuey, Edwin L.: Factory People and their Employers. Lentilhon & Co., 1900.

† See Waters, Yssabella G.: Visiting Nursing in the United States. New York, Charities Publication Committee, 1909.

preventive work of the Visiting Nurses' Association: "It is all pretty intangible, but we are more and more convinced that cleanliness and godliness are inseparable."

Lillian D. Wald, of the Nurses' Settlement, 265 Henry Street, New York City, writes: "I do not know how to estimate the result of their (the Nurses' Associations') methods for the prevention of vice and crime. They accomplish a great deal in this way, I am sure, through the education that they bring on the hygiene of the body and the home, and the impression they create through their actual labors in these directions. In close association with their work is that of the settlements and other social educational measures.

"The visit to the new-born in New York City by the trained nurses of the department of health is of very definite importance, and will probably prevent some of the blindness resulting from ophthalmia neonatorum."

Mary S. Gardner, says of the work of the Visiting Nurses' Association with which she is associated: "I do feel that a District Nursing Association run on broad and progressive lines is a force in the prevention of vice and crime. The nurse is intimately in the house of all types of people and is trained to detect tendencies at an early stage. She is a co-operative power and is at once able to bring the right agency to bear on the situation,—the truant officer, the society for the prevention of cruelty to children,—if that type of coercion is necessary. Valuable time is thus saved. She is often consulted by mothers as to unruly children and can sometimes help to bring about a better adjustment of family life."

Lystra E. Gretter: "Visiting Nursing is an important factor in the prevention of crime and vice, but it seems difficult to estimate its value statistically. It is an agency which helps to restore broken health; and its function is especially to teach health and right living and that certainly tends to the moral uplift. The preventive influence comes through the friendly and confidential relationship of the nurse with the family, and her ability to use that opportunity to good advantage, through not only counsel and advice, but through practical help, many times when the conditions in a home favor vice and crime."

Miss Jane Elizabeth Hitchcock, Nurses' Settlement, New York: "As to the value of our work in the prevention of crime and vice, it is difficult to estimate it, as any bearing we may have on the subject is indirect. . . . We lay stress in our work upon clean, helpful, happy surroundings for those whom it is our pleasure to influence.

This, we believe, has its influence against vice and crime, but is, generally speaking, our only way of approaching the subject."

Miss Margaret A. Bewley, Instructor in Visiting Nursing, Presbyterian Hospital, New York City: "The value of our work in the prevention of crime and vice is in the instruction given by nurses to every available member of the family—the importance and necessity of cleanliness, fresh air, nourishing food, hygiene, etc. I consider that tenement house life is conducive to crime and vice. There is no human life, no privacy, and the families are huddled together like so many cattle."

"Perhaps at no time is the nurse of so much value as a social agent as in those cases when the poor little mothers are unmarried. She is on the spot at a time when influence is more readily responded to, and, in more than one instance, owing to the gentleness, understanding and good judgment of the nurse, the mother has been restored to her own home, or placed where every help would be given her to avoid future temptation, and where her love for her baby might be fostered and developed until it proved the strongest safeguard."*

"One of the most interesting recent developments in hospital work throughout the country has been its extension into the homes of the poor by visiting nurses and social workers. The keynote of modern charity is prevention, and hospitals are beginning to play their part in the work of prevention outside of their own wards and in co-operation with those charitable societies which are treating the poor in their homes. . . . The greatest benefits to the patients are the teaching of proper methods of living, sleeping, cooking, care and feeding of children, and general hygiene of the home. . . . Contagious diseases and unsanitary conditions in the home are reported to the board of health. While the chief duty of the visiting nurse is to nurse the sick poor in their homes, nevertheless she is also taught to use every opportunity to better social conditions."†

Asked whether the visiting nurses are able to be of any assistance to children below school age, Miss Rose Barge, supervisor of school nurses, Chicago, gave the following interesting testimony: "When for any reason whatever a visiting nurse enters a home she looks after the health conditions of the entire family. All the children down to the baby just born are carefully examined for any

* Providence District Nursing Association. Eighth Annual Report, November, 1908.

† Presbyterian Hospital in the City of New York. Fortieth Annual Report, 1908.

physical defect. If there are enlarged tonsils, adenoid growths, or other defects, the seriousness of these defects is urged upon the parents. Usually the parents consent, at least by the time the child is of school age, to any necessary medical treatment. This treatment the nurses are able to secure from experts at whatever price the family may be able to pay, and even without expense where necessary. If the case is exceedingly serious and the parents refuse to co-operate, the child may be cared for through the juvenile court. This, however, is seldom necessary. Hundreds of families of children were inspected last year, medical treatment was often secured and the results of the removal of adenoid growths, etc., uniformly resulted in improvement of the health and disposition of the child."

A serious matter for the nurses has been that of vermin. The Nurses' Association now handles this matter as follows: The public schools send a child home if he has vermin. The nurse calls at the home and treats the entire family. Miss Barge says that there is little public knowledge of how seriously the health of children is affected by vermin. Nervousness, anæmia, rebellion against authority, juvenile delinquency—these are the steps.

The Chicago Association has but 40 nurses, and so much of their time has been taken fighting vermin that other things are necessarily neglected. In a letter to the principals of the Chicago schools in the fall of 1909, Miss Barge says: "Last season the school nurses cleaned up hundreds of children only to find them in the same condition this year. This takes much valuable time, which could be more effectively employed in having physical defects remedied and in placing children under proper treatment." Hearty co-operation of the school principals and the juvenile court, it is believed, will achieve the result desired and give the trained nurse opportunity for the skilled service for which she is trained.

Boards of Health

The public supervision and control of matters of health have been made branches of federal, state and municipal administration. The federal government has bureaus in several departments which have to do with the scientific study and practical treatment of disease. Naturally the army and the navy must have their own medical organization. The Public Health and Marine Hospital Service has been a notable agency in this field. The municipal boards or com-

missions of health come most directly into contact with the urgent problems of physical welfare and they are growing in power and efficiency as the effects of their energetic action are reflected in diminished sickness and mortality.

In 1902 there was passed by Congress and approved by the President "An Act to increase the efficiency and change the name of the Marine Hospital Service." The annual report of the Surgeon-General makes the following comment: "The Act changes the name of the Service to that of the Public Health and Marine Hospital Service of the United States. It fixes by law the Marine Hospital Service as the public health service and the office at Washington as the public health bureau; more than this, it establishes the Service on a firm foundation, making statutory provisions for many features of the Service which heretofore had only the authority of regulation. For example, the salaries of commissioned medical corps are now fixed by law. It gives legal status to acting assistant surgeons, pharmacists, and employes, and enlarges the scope of the service."

Section 7 of the bill was an attempt to meet the long continued demand from the state health authorities, and especially from the South, and in some of the great cities on tidewater, for legislation which would secure consultation, and therefore co-operation, between the health authorities of the states and the quarantine officials of the United States. It was not, in the opinion of the committee, so drawn as to accomplish this result so much to be desired, and they therefore in the substitute have supplied a new Section 7, which is as follows:

"That when in the opinion of the Surgeon-General of the Public Health and Marine Hospital Service of the United States, the interest of the public health would be promoted by a conference of said Service with state or territorial boards of health, quarantine authorities, or state health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each state or territory and the District of Columbia, to said conference: *Provided,* that an annual conference of the health authorities of all the states and territories and District of Columbia shall be called, each of said states, territories, and the District of Columbia to be entitled to one delegate: *And provided further,* That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five states or territorial boards of health, quarantine authorities, or state health officers, each of said boards or

quarantine authorities joining in such request to be represented by one delegate."

"This section," says the report, "we regard as by all means the most important section in the bill. The dividing line between the federal power of quarantine, in its relation to foreign commerce and interstate commerce, and the state power of quarantine and police regulation, in its relation to the public health, is undoubtedly real, but it is often very difficult of discernment; and therefore it has often happened that state authorities have felt their province invaded by federal authorities, and federal authorities have insisted that the national function was invaded by state authorities; and out of it has grown more or less of friction, necessarily detrimental to great public interests. No statute, of course, can change the power of the federal authorities, as defined by the constitution, or take away the sovereign power of any state in respect to these matters. The committee has been impressed with the conviction that in the general public interest some recognition by federal legislation of the state health authorities, in the way of consultation upon subjects of vital consequence to the localities, and as to the rules to be put in operation by both state and federal authorities in accomplishing the same end, would of necessity bring about better understanding and a co-operation which would inevitably promote a fuller accomplishment of the great purpose decreed by both the federal and state authorities." . . .

In the report of the Public Health and Marine Hospital Service for 1907, is the following: "One of the most interesting and important subjects coming within the purview of the Bureau has been the prevalence of hookworm disease as discovered by an officer of this Service while investigating the cause of the bad physical condition of certain mill laborers, particularly child laborers. The unfortunate physical condition of so many of the child workers in the mills has been found to be due in large measure to this disease. . . . The prevalence of hookworm disease . . . is sufficient to account for much of the hitherto unexplained anæmia and physical debility. . . . One of the chief factors in the spread of the disease is soil pollution. The disease is readily curable, and the unsanitary conditions responsible for its propagation are remediable."

Mr. John D. Rockefeller was so much impressed with the value of this discovery that he has given a fund of $1,000,000 to assist in making practical applications of the scientific principles involved,

and already measures are established which promise to reduce and finally, it is hoped, to extirpate this malady.

The Hygienic Laboratory, through its advisory board, composed of members attached to other leading laboratories, is brought in touch with the scientific work of other institutions of the United States, while the more practical questions concerning the suppression of disease and sanitation are the subjects of discussion with the state boards of health, which the Surgeon-General is obliged by law to invite to meet in annual conference. The law also provides for more frequent conferences of this character. Thus the Service receives and bestows the advantage of scientific affiliation; and its practical work is co-ordinated with that of the state and municipal health authorities.

It is now proposed to unite all the more important federal agencies in one bureau at Washington in order to unify and concentrate the scattered efforts to improve public health.

RESULTS IN RELATION TO CRIME

Can we show that all these measures to improve the conditions of health for men, women and children have succeeded in diminishing crime? A very definite answer ought not to be expected. The causes at work both to increase and diminish crime are very complex, and one cannot be isolated from the others and its exact importance weighed.

In particular situations and with particular sets of persons the favorable influence of improved outward conditions can be proved beyond reasonable doubt; as, for example, in the districts in Liverpool, England, after and in consequence of the improved housing of the dock laborers; in certain blocks in New York City, in Boston, and elsewhere.

Generally, it must be said, amelioration of physical surroundings has been accompanied by moral and educational improvements, and thus the share of each factor cannot be accurately investigated. But the judgment of competent observers,—as physicians, visiting nurses, charity visitors, missionaries, teachers, intelligent workmen, settlement residents and others,—may be given considerable weight in interpreting the facts. It is upon the basis of personal familiarity with neglected neighborhoods in various cities of the United States and from a consensus of opinion of specialists that the interpretation given in this chapter is offered for acceptance as, on the whole, re-

liable. The conclusion which seems morally certain is that the betterment of physical conditions, if aided by more positive influences affecting the mind and character, is an essential and hopeful factor in the effort to prevent crime. This conclusion is fortified by the teachings of modern psychology and of pedagogical science. In all intelligent homes parents act on the assumption that cleanliness, neatness, fresh air, wholesome food, privacy and all other outward conditions of health are favorable to morality. There is no good reason to doubt that these assumptions, which are generalizations from human experience, are true of the families of the poor as well as of those more favorably situated.

The movements described in this chapter may, therefore, safely be placed among the measures for the prevention of crime,—the subject of this volume.

III

PREVENTIVE METHODS IN THE ECONOMIC SPHERE

WE have seen that anti-social conduct is sometimes the result of inherited physical defect, and also that many of the initial causes of degeneracy lie in the external conditions of life in habitat, workplace and other parts of the immediate environment. But all these conditions are, in considerable degree, determined by the available income of a person or family; the economic factor in the causation of crime cannot be neglected, and effective and significant efforts to improve the pecuniary situation of the less fortunate members of society must not be ignored.

Crimes against the rights of property have their origin, apart from the rare cases of kleptomania and insanity, in the effort of human beings to secure the material means of satisfying their appetites and desires. Theft, fraud, burglary, mendicancy and all the tricks of trade and the chicanery of markets, are illegitimate and abnormal ways of procuring these desirable goods at the cost of others, and without equivalent in useful service.

As the incentives to trespass on rights of property and person are different we must distinguish between: (1) crime occasioned by misery in the struggle for existence; (2) crimes of adventure,—as gambling, speculation, bold burglaries, kidnapping children for chances of high ransom booty, committed not to avert misery, but to secure large sums without regular work and with the plaudits of the "underworld"; (3) crimes of ambition, incident to the struggle of the stronger and more capable for wealth, luxury, social position and commercial superiority and power.

The economic measures for diminishing temptation to crime in those classes may be conveniently classified on the basis of this analysis; but the methods of dealing with criminals of the adventurous and professional classes will not be given a special discussion in this chapter.

REDUCTION OF THE STRAIN IN THE STRUGGLE FOR EXISTENCE: ALLEVIATION OF THE PRESSURE OF MISERY

Charitable Relief

Part of the social motive for public and private relief of the poor is the prevention of riot, disorder and desperate revolt, as well as of petty theft. Pure, unselfish philanthropy is only part of the incentive. Hunger transforms men into tigers and almost justifies theft. A civilized people aims to take care that no citizen, and not even an alien, perish from hunger, cold or lack of shelter. This purpose is fulfilled with varying degrees of efficiency in the several communities by public relief in families or in institutions and by private charity in families or in institutions of varied character.

Blackstone,* speaking of the fact that English law did not excuse a man for stealing because he was starving, gave this reason: "In this country especially, there would be a peculiar impropriety in admitting so dubious an excuse, for by our laws such sufficient provision is made for the poor by the power of the civil magistrate, that it is impossible that the most needy stranger should ever be reduced to the necessity of thieving to support nature."

Unfortunately we cannot always be sure that a starving person receives necessary public or private relief in this country. The alien immigrant without a settlement has no legal claim to public relief, and even able-bodied citizens with settlement are sometimes refused help because they seem able to work. Of course the cases are rare where a person willing to ask for the necessities of life would be refused outright, but cases of deprivation and semi-starvation are far from uncommon.

Each state has its own law of "settlement," a certain term of residence giving right to be relieved in times of distress; and local officers are charged with the duty of hearing requests and distributing relief from funds raised by taxation. The principles of the old English poor laws are at the basis of all these arrangements.

The federal government gives relief in the District of Columbia and also controls at the ports the admission of defective and dangerous immigrants from Europe. The purpose of federal legislation and administration is to exclude all who are likely to become dependent or delinquent. The several states also exercise the right to exclude or remove those who are feeble-minded, insane or otherwise economically unfit, before they gain a settlement. Veteran soldiers and

*Com., IV. p. 32; 7th ed.

their widows and children are aided by pensions and by care in the public homes provided by the federal and state authorities.*

It would require a large volume to describe the multitude of charitable enterprises of individuals, associations, churches and endowments which have grown up as an expression of the philanthropy of the American people. Almost every kind of human suffering is met by some appropriate agency of relief. There are no complete statistics of public and private relief in the homes of families. A special report of the Census Bureau in 1904,† prepared under the direction of Mr. John Koren, gives the most satisfactory statement we have in regard to charitable institutions.

In spite of all these numerous means of relief some suffering is inevitable and the temptation to satisfy bodily needs by fraud and theft is always present. This partial failure is due to many circumstances. The public, and even trained agents of charity, knowing their liability to be deceived by the shifts and cunning of mendicants, sometimes refuse help when it is really needed. Our people very generally believe that any able-bodied man or woman can at any time find remunerative employment. The wide social causes of unemployment in cities are not yet fully understood, and the individual is often charged with fault for idleness due to conditions over which he has no control. It is also true that a certain number of persons prefer to steal rather than beg. The improvements in methods of relief are therefore also measures for preventing crime, and that in a direct way. We shall mention in other connections the municipal lodging houses, wayfarers' lodges, employment offices, methods of dealing with vagrants, help for the "handicapped," and visiting and relief of prisoners and their families. These are measures which most directly and obviously bear upon our subject.

The Charity Organization Society movement is particularly worthy of mention because it has consistently and patiently insisted upon the necessity of transforming character by proper methods of relief.‡ Restoration to normal social relations, in industry, family,

* Henderson, C. R.: Industrial Insurance in the United States, University of Chicago Press, 1909, Ch. X.

† References on public and private relief in the United States and Canada: Warner, A. G.: American Charities, edited by Mrs. Coolidge (2d ed., New York, T. Y. Crowell & Co., 1908); Devine, E. T.: Principles of Relief, The Macmillan Co., 19—; Henderson, C. R.: Introduction to the Study of the Dependent, Defective and Delinquent Classes (2nd ed., Boston, D. C. Heath & Co., 1906), and Modern Methods of Charity (editor, The Macmillan Co., 1904); also files of *Charities and the Commons* (now *The Survey*).

‡ See Richmond, Mary E.: Friendly Visiting (New York, The Macmillan Co., 1899), and The Good Neighbor (Philadelphia, Lippincott & Co., 1908); Lee, Joseph: Preventive and Constructive Philanthropy (The Macmillan Co., 1902).

church, lodge and neighborhood, has been steadily kept before the charitable public as a goal of endeavor and a test of success.

Dr. E. T. Devine, representative leader in the charity organization society movement, emphasizes the personal factor in the prevention of crime: "The best of all preventive work is really that suggested by the word 'case-work'; work done with individual families to help them out of their difficulties; in other words, effort to remove the influences which tend to an abnormally low standard of living."

The aims and organization of the Charity Organization Society have been illustrated by the same high authority:*

"There are at present some three hundred associations representing charity organizations in the world. Two hundred of these are in the United States and Canada. A study of the New York society names the following objects:

(a) Organizing and co-ordinating charitable work.

(b) Receiving applications for aid, carefully sifting and testing them, and obtaining from the proper sources prompt and adequate relief of such as are in need.

(c) Encouraging the establishment of new agencies where they are required; giving expert, confidential advice to the benevolent in their benefactions, and giving accurate information in regard to charitable institutions, almoners, or agents that appeal for contributions.

(d) Helping the poor through wise counsel based upon experience, through personal service of volunteer visitors, and through all such means as will make them at the earliest possible moment self-supporting and self-respecting members of the community.

"The methods of this society in New York City are well illustrated by the following analysis of the work of its ten main departments: (1) Investigation Bureau, United Charities Building. Investigations are made for private persons, hospitals, dispensaries, and other institutions. (2) Registration Bureau, United Charities Building, keeps a confidential record of all investigations, which is open to those having a legitimate charitable interest therein. (3) A Wood Yard, 516 West 28th street, provides work for residents with families for a cash remuneration, and to test their willingness to work. Homeless men may earn meals and lodging. (4) A laundry, 516 West 28th street, provides work for women with families. (5)

* Bliss, Encyclopedia of Social Reform, page 159 (edition 1908). An article revised by Edward T. Devine, Secretary New York Charity Organization Society.

The Penny Provident Fund, United Charities Building, encourages small savings. (6) The Society, through its Charities Publication Committee, publishes *The Survey*,* "a weekly periodical of local and general philanthropy and of social activities"; the Charities Directory, published annually; Handbook on the Prevention of Tuberculosis; Directory of Institutions and Societies Dealing with Tuberculosis in the United States and Canada; the Russell Sage Foundation Publications; and other literature in the field of social work. (7) The organization maintains a library, United Charities Building, which is a public reference library of applied sociology. (8) The Tenement House Committee seeks to improve the condition of tenement houses by securing proper tenement house laws and their enforcement, and by encouraging the building of model tenements. (9) The organization maintains a Committee on the Prevention of Tuberculosis which seeks by research into the social aspects of tuberculosis, by the publication of information concerning the curability and the communicable character of the disease, through lectures, leaflets and otherwise; by the promotion of the erection of sanatoria; by obtaining special relief for those whose chances of recovery will thus be increased, and in other ways to aid in the movement for the prevention of the disease. (10) The School of Philanthropy trains men and women for social service. (11) There is also a Department for the Improvement of Social Conditions."

The Association for Improving the Condition of the Poor in New York City is a strong organization with modern methods of relief.

From American Charities, by the late Amos G. Warner, the following important statistics of the movement are taken:†

"In its widest sense the organization of charities includes work already described. . . . It is the aim of a volunteer body like the State Charities Aid Association to assist public charities in working together for good. But in its technical meaning the term 'charity organization' has come to be applied to a particular kind of society whose aims are broader than mere alms, and whose principles are applicable to every form of charity. . . . It has been shown how uneven and unrelated development of state charitable institutions created a demand for agencies with powers of supervision, co-ordination and regulation."

* Formerly *Charities and the Commons*.

† American Charities, by Amos G. Warner, Ph.D., revised by Mary Roberts Coolidge, Ph.D. New York, T. Y. Crowell & Co., 1908. Chapter XIX, The Charity Organization Movement.

Mr. Warner then makes mention of the Directory of Charitable and Beneficent Organizations in Boston, 1907: "There are included in this list 1424 agencies which are concisely described in a volume of 500 pages. It might appear from this that every need was provided for, and that the field was adequately covered. But if the 1424 agencies were arranged in the order of the date of their foundation it would appear that many of them have been organized where slight need existed, while at the same time there were great gaps in the charitable field needing to be filled."

Illustrating the chaotic conditions of charities in a large city, the writer says: "In Baltimore . . . it will be found that there are societies to relieve any need whatever of particular classes of persons. The Hebrew Benevolent will do this for Israelites, the German Society for Germans, the St. Andrews' Society for the Scotch, the denominational societies for those of their faith and for an undetermined number of outsiders. On the other hand, there are societies that will relieve any person whatever in some particular way. The Poor Association will give coal and groceries to any applicant it considers worthy, without regard to religion, race or color, etc."

The necessity for co-operation and thoroughness of treatment is illustrated by a case from the Philadelphia Society for Organizing Charity: "A poor colored woman, a widow, had two children, aged six and three, who had never walked." In adjusting her difficulties the advice or help of the following agencies was sought: "The district doctor, the woman's former physician, the Orthopædic Hospital, the Philadelphia Research and Protective Association, the Children's Aid Society, the Sunday *Ledger*, St. Christopher's Hospital, the Hahnemann Hospital, the Woman's Hospital, the medical inspector of the Bureau of Health, an employment agency, a public school principal, the Octavia Hill Association, the Department of Charities, and the House of St. Michael and All Angels. . . . In this particular record, which is by no means the longest, it appears that our district superintendent and her assistants paid 76 visits, wrote 21 letters and held 41 interviews in the office."

The aims of the movement are stated as follows: "In nearly every instance the motive leading to the organization is declared to be 'discontent with prodigality and inefficiency of public relief, and the chaotic state of private charity.' . . . The same impulse that established the new societies abolished outdoor relief in Brooklyn and Philadelphia, and greatly reduced it in Buffalo and Indianapolis.

"The fundamental thought is the co-operation of all chari-

table agencies of a given locality, and the best co-ordination of their efforts. In order to secure this the co-operative societies, as far as practicable, furnish records of the relief work done by each to the central office. To prevent overlapping, the Charity Organization Society maintains . . . an alphabetical list of all cases that have received relief from any reporting agency whatever, or that have been investigated by itself. . . . The New York society had in 1907 nearly 100,000 records (not including those withdrawn or destroyed), some of them covering 25 years and containing 40,000 to 50,000 words. While this is the largest consolidated list in the country, many other cities contain a very large number of cases. . . . Yet efficient co-operation in this matter on the part of the relieving agencies has been one of the most difficult results to secure; in some cities it has dwindled to almost nothing, while in others even public officials co-operate fully, and, as in Buffalo, submit all cases to which they give outdoor relief to the investigation of the society."

A list of forces with which the charity workers may co-operate is then given, as follows:

A. Family forces: Capacity of each member for affection, training, endeavor, social development.

B. Personal forces: Kindred, friends.

C. Neighborhood forces: Neighbors, landlords, tradesmen; former and present employers; clergymen, Sunday-school teachers, fellow church members, doctors; trade unions, fraternal and benefit societies, social clubs, fellow workmen; libraries, educational clubs, classes, settlements, etc.; thrift agencies, saving banks, stamp-savings, building and loan associations.

D. Civic forces: School teachers, truant officers, police magistrates, probation officers; reformatories, health department, sanitary and factory inspectors; postmen; parks, baths, etc.

E. Private charitable forces: Charity Organization Society; church of denomination to which family belongs; benevolent individuals; national, special and general relief societies; charity employment agencies and workrooms; Fresh Air Society, Children's Aid Society for Protection of Children, Children's Homes, etc.; district nurses, sick-diet kitchens, dispensaries, hospitals, etc.; society for the suppression of vice, prisoners' aid society, etc.

F. Public relief forces: Almshouses; outdoor poor department; public hospitals and dispensaries.

"A second fundamental object of the charity organization society . . . is accurate knowledge of all cases treated. Besides

consulting the records of co-operating societies, this is to be gotten through investigation, followed by careful registration. . . . Investigation is not merely for the prevention of fraud, but is an essential pre-requisite of proper relief. The giving of money or supplies is merely one form of prescribing for a case of destitution, and an investigation is as essential in dealing with the case as a diagnosis in a case of sickness with which a physician deals. Nor is it solely to ascertain whether technical relief is needed,—for material relief may be the least of the needs of the family,—but rather to supply data for ascertaining what the treatment should be and who should administer it.

"The third function . . . is to find adequate relief for all that should have it. The society is an animated directory of the charities of the locality in which it works. No one is turned away. . . . If no agency exists, a benevolent individual can usually be found to give the relief required."

The writer says that at first the charity organization societies generally did not have relief funds of their own: "Experience seems to have shown that this abstention from relief giving in the earlier years was the very best thing to allay the jealousy of older societies; and that it preserved the charity organization societies for the higher purposes which they had in view. . . . In proportion as the charity organization societies gain the confidence of the community and of the relief societies, friendly co-operation brings about new adjustments of relations. An investigation made in 1901 . . . showed that of seventy-five societies, all but six provided relief in urgent cases from funds, either emergency or general, in the hands of their agents. More than half of the charity organization societies were in cities which had no relief societies; others could not secure co-operation with the existing relief societies or found too much delay and difficulty in doing so. In some cities, as in Baltimore, the adjustment between the relief giving and the charity organization society takes the form of federation; sometimes the field is divided between them, neither relinquishing its power, as in New York. . . . The societies which now represent most fully and vitally the broadest charity organization principles are giving emergency and special relief. It is limited in amount and strictly guarded, but in the hands of trained agents and with the constantly expanding ideal of what adequate relief and treatment require, it has been robbed of some of its perils. Professor Devine declares that if these societies have kept free to a considerable extent from the dangers inherent in

relief giving, it is because they have not as a rule directly disbursed relief from a fund previously accumulated, but have instead obtained their relief case by case, as it is needed for individual families. They have thus been compelled constantly to justify their decisions and their methods to others in order to secure approval and cooperation.

"The fourth function of the charity organization society is to establish relations of personal interest and sympathy between the poor and the well-to-do. This is accomplished through what is technically known as 'friendly visiting,' volunteer visitors being secured who are willing to go to the poor as friends and not as almsgivers. Probably each friendly visitor has only one, or at most two cases and the relation is made as permanent as possible. There are many instances where for years the same visitor has gone to the same family, and genuine personal attachments have been formed. Visitors should never be almsgivers; for in that case the poor look upon them as persons from whom something is to be gotten, and, on the other hand, if empowered to give relief, the visitor fails to invent methods of rendering the better service that is needed in order to cure poverty. The work of friendly visiting is declared by the most advanced societies to be the heart of the work. The motto 'Not alms, but a friend,' first adopted in Boston, has come to be the motto of many of the societies. . . . This work is developed under great discouragements in most of our large cities, especially in New York, where the long distance to be covered by the volunteer visitors and the shifting nature of the indigent population make it very hard to establish permanent relations of friendship, or even of acquaintance. A measure of success, however, has been reached in many cities, even in districts where there is not one resident that could be called upon as a friendly visitor, and where many of those who do the visiting travel from suburban towns to reach the field of work. The city of Boston leads with 877 visitors, Chicago has over 400 and Buffalo 150. If the influence of friendly visiting upon the poor is of great value, its humanizing effect on the visitors themselves is scarcely less. . . . There is no education in charitable work so good as that which comes to the friendly visitor. . . . He who takes an interest in trying to cure poverty in a single case will soon find that nothing in politics or industry is foreign to him."

With regard to the prevention of fraud, the society in a large city has much of this work to do, especially in the detection of fraudulent charities. The society aids in clearing the street of beggars.

"To give their contributors and co-operating agencies knowledge of impostors several societies publish a cautionary list of dishonest applicants for relief with their various aliases so far as known. . . . Closely connected with the work of preventing wilful idleness is that of finding work for all who are willing but cannot find work for themselves through the ordinary channels. . . . Each charity organization society is . . . an employment agency, dealing in ordinary times with the semi-capable; with those who from some perversion of character or defect of mind or body cannot fit themselves into the industries of the time, but may be able to do certain things if those things are sought out for them. Many of those with whom the society deals are able-bodied, but not able-minded; or they may be both strong and intelligent, but not reliable. . . . In this, as in every other form of relief, care must be taken not to undermine self-reliance by finding employment for those who have no special limitation of physique or character."

The seventh function is the prevention of pauperism. "From the beginning of the charity organization movement many societies have established undertakings to assail pauperism in its causes; the crèche, or day nursery, at which working mothers may leave their children during the day; kindergartens in connection with the public schools, cooking schools, sewing schools, trade schools; the encouragement of thrift by different varieties of savings funds, such as the Penny Provident, which receives deposits of one cent and upward; fuel funds, by which summer savings can secure winter delivery of coal at summer prices; these and hundreds of other educative and preventive measures have been inspired and initiated by them. In recent years the charity organization societies have been leaders in municipal and legislative reform, sharing and organizing movements for the prevention of tuberculosis and unsanitary housing, for the establishment of municipal lodging houses and the control of charity transportation. . . .

"The eighth function is the diffusion of knowledge on all subjects connected with the administration of charities and the prevention of dependence. No progressive society neglects these functions. . . . The bibliography of charity organization now comprises hundreds of titles of pamphlets and other publications issued by the societies of the country."

The charity organization society movement has greatly emphasized the necessity of maintaining the integrity of the family. When the parents have proved themselves unfit for their duties and

the interests of the children of the community made separation necessary, the children have been taken from the control of parents by legal process and placed in better domestic surroundings. But breaking up the home is regarded as the last resort, and poverty alone, without moral delinquency, will not justify this extreme measure. The illustrations of friendly visiting already given will show the various measures for saving the home from dissolution.

In no situation is the value of charity in the prevention of crime more clearly manifest than in that of a poor girl who looks forward to motherhood with terror and despair. All through the ages of Christian civilization this sad aspect of existence has awakened sympathy and created means of relief, some of them unwise. The woman who faces personal suffering, poverty, social ostracism, is tempted to abortion, infanticide, murder, suicide. To offer her a refuge, the alleviations of scientific treatment, a chance to nourish her own infant and preserve its innocent life, is to dry up one of the springs of crime. In the United States, in many cities, there are maternity hospitals, refuges for girls, the House of the Good Shepherd, and societies for placing such women with their children in proper homes and under circumstances where they may begin a new and better life.

Trade Organizations of Wage-Earners

The most important help to any group of human beings is association for self-help. The strongest bulwarks against the invasion of misery are the unions of wage-earners. They oppose a united front to all forces which threaten to lower the standards of life. Charity and public relief are the last resort for those who have been unable to maintain a normal standard of individual effort and who are generally incapable of concerted action.

The aims of trade unions may be briefly and summarily stated: To maintain the highest possible rate of wages permitted by the market, through collective bargaining; to reduce the hours of labor and all unnecessary strain and danger incident to the occupation; to secure through a common demand sanitary conditions of the workplace and humane treatment by employers and superintendents; to diminish child labor and regulate apprenticeship; to provide benefits of insurance* in case of sickness, accident, old age, death and unem-

* Henderson, C. R.: Industrial Insurance in the United States. University of Chicago Press, 1909. Ch. III. The same in German, Arbeiterversicherung in den Vereinigten Staaten von Nordamerika (Berlin, 1907).

ployment; and to secure favorable legislation and treatment by public bodies. To some extent and in some unions the personal efficiency of the members has been improved by training and education in the crafts.*

The trade unions are everywhere recognized by law as legitimate and moral organs of the wage-earners; and the most common judgment, perhaps, is that, on the whole, they are conservative of public order and welfare. There is not space here to express and justify a merely personal conclusion. It must be confessed by the best friends of trade unions that at times they have winked at brutal assaults on "scabs," that is, fellow workmen who are not members of any union; and that in some instances they have participated in riots, in taking possession of the property of others, and in preventing the working of railways, street cars, and shops by threats, show of resistance, or actual violence. Of course the best representatives of unions do not justify lawless action.

Other popular forms of association for self-help are the local benefit associations and the national fraternal societies with their local lodges which furnish sick benefits and life insurance at low cost.

One of the most successful forms of association for mutual economic help is the building and loan association† whose social function is to provide capital for buying homes and also a safe form for the investment of savings. The extent of their activity is indicated by these facts: Among the associations, local and national, which existed in 1907, there was a membership of 1,700,000 in 6,000 associations; there were $675,000,000 in shares outstanding; only 456,000 members were borrowers; and in the life of the institutions then in existence only 8,400 mortgages had been foreclosed, valued at $12,217,000, and showing loans of only $450,000.

Socialistic Criticism

Socialistic criticism in certain aspects seems to excite sectional and class hate, and thus to kindle anti-social dispositions. Fairness compels even a conservative observer to admit that there is another view. In their effort to awaken discontent and induce the American people to accept, even in despair of milder remedies, some sort of a "co-operative commonwealth," with public ownership and control of all productive and commercial enterprises, the socialist writers

* Adams and Sumner: Labor Problems. New York, The Macmillan Co., 1905.

† These associations were studied in the Ninth Annual Report of the Commissioner of Labor, 1893.

have laid bare many real wrongs and hardships which ought to be remedied. We may think their literature poor in constructive propositions, but their vivid and often true criticisms will sometimes arouse the consciences of persons whose comfortable surroundings and prospects hide from them the existence of misery, and lull them into a moral slumber which is inherently selfish and socially dangerous.*

Critics of both trade unions and socialists have noted a neglect of effort for improving industrial efficiency, character and education. To such objections the representatives of the workingmen reply by denying the charge and also by emphasizing the necessity for immediate concentration of energies on improving the economic situation of the toilers. Thus Morris Hillquit:†

"The Socialist movement is largely educational in its character, and the Socialists value the social, moral and spiritual improvement of the race very highly. But they attach the more immediate importance to economic reform because they realize that purely ethical sermons must fail in a society based on blind competitive war between man and man; in a society in which the rich are entirely engrossed in the mad race for greater wealth, and the poor are too absorbed in the daily struggle for food and shelter to cultivate the finer side of life."

Organization of Consumers

The National Consumers' League, with many state branches, was organized upon the principle and conviction of the responsibility of purchasers of commodities for the conditions under which the goods are produced and which affect the health and higher well-being of the operatives. It has been thought that by an appeal to the conscience of buyers who enjoy the results of the toil and suffering of humble workers, they might be induced to combine their efforts to improve the conditions of labor, to secure reasonable hours, higher wages, improved sanitary and hygienic appliances, and better treat-

* This literature in the United States is already voluminous. A few titles may be mentioned by way of illustration: Hunter, Robert: Poverty, The Macmillan Co., 1904; Spargo, John: The Bitter Cry of the Children, The Macmillan Co., 1906, and Spiritual Side of Socialism (pamphlet); International Socialist Review. Halfway Socialism is represented in George, Henry: Progress and Poverty, New York, D. Appleton and Co., 1882; Lloyd, H. D.: Wealth against Commonwealth, New York, Harper and Bros., 1894. More philosophical and literary, Veblen, T. B.: Theory of the Leisure Classes, The Macmillan Co., 1899; and Theory of Business Enterprise, Chas. Scribner's Sons, 1904.

† *The Outlook*, April 10, 1909.

ment. The attempt was made to induce buyers to make their purchases at shops where the employes, especially women and girls, were treated with humanity and paid sufficient wages. This method has had only limited success, and the league has turned its attention chiefly to legislation in all the states to regulate the hours of work for children, youth and women, and to require improved physical surroundings. In this direction, supported more and more generally by the influential women's clubs, and by other philanthropic organizations, the league has justified its existence and cost by promoting a higher standard of social regulations. This league has made investigations and published facts which show that young women whose wages are entirely inadequate for support, are subjected to extraordinary temptations to prostitution if they are homeless and must depend wholly on their own earnings for existence.

This passage from the pen of one who represents the best forces of amelioration sets forth the evil and points to the remedy: Jacob A. Riis,* writing of the dangers to women from low wages and bad conditions of rooms and shop, says: "Six months have not passed since at a great public meeting in this city the Working Women's Society reported: 'It is a known fact that men's wages cannot fall below a limit upon which they can exist, but woman's wages have no limit, since the paths of shame are always open to her. It is simply impossible for any woman to live without assistance on the low salary a saleswoman earns, without depriving herself of real necessities. It is inevitable that they must in many instances resort to evil.' It was only a few brief weeks before that verdict was uttered that the community was shocked by the story of a gentle, refined woman who, left in the direst poverty to earn her own living among strangers, threw herself from her attic window, preferring death to dishonor. 'I would have done any honest work, even to scrubbing,' she wrote, drenched and starving, after a vain search for work in a driving storm. . . .

"The ink was not dry upon her letter before a woman in an East Side tenement wrote down her reason for suicide: 'Weakness, sleeplessness, and yet obliged to work. My strength fails me. Sing at my coffin: "Where does the soul find a home and rest?" . . . It is a story that has many parallels in the experience of every missionary, every police reporter, and every family doctor whose practice is among the poor."

Referring to the girls who live at home, Mr. Riis says: "It is

* How the Other Half Lives, Ch. XX, p. 234. N. Y., Chas. Scribner's Sons, 1894.

characteristic of the situation that the very fact that some need not starve on their wages condemns the rest to that fate. The pay they are willing to accept all will have to take. . . . To take the case of the saleswoman for illustration. The investigation of the Working Women's Society disclosed the fact that wages averaging from $2.00 to $4.50 a week were reduced by excessive fines, 'the employers placing a value upon time lost that is not given to services rendered.' A little girl, who received $2.00 a week, made cash sales amounting to $167 in a single day, while the receipts of a $15 male clerk in the same department footed up only $125; yet for some trivial mistake the girl was fined sixty cents out of her $2.00. The practice prevailed in some stores of dividing the fines between the superintendent and the time keeper at the end of the year. In one instance they amounted to $3000, and 'the superintendent was heard to charge the time-keeper with not being strict enough in his duties.' One of the causes for fine in a certain large store was sitting down. The law requiring seats for saleswomen, generally ignored, was obeyed faithfully in this establishment. The seats were there, but the girls were fined when using them. . . . A common cause for discharge from stores in which, on account of the oppressive heat and lack of ventilation, 'girls fainted day after day and came out looking like corpses,' was too long service. . . . They had been long enough in the employ of the firm to justly expect an increase in salary. . . . The girls are sent to the store before they have fairly entered their teens, because the money they can earn there is needed for the support of the family. If the boys will not work, if the street tempts them from home, among the girls at least there must be no drones. To keep their places they are told to lie about their age. . . . The precaution is usually superfluous. . . .

"When it comes to the factories, where hard bodily labor is added to long hours, stifling rooms, and starvation wages, matters are even worse. . . . Here is the case of a woman employed in the manufacturing department of a Broadway house. It stands for a hundred like her own. She averages $3.00 a week. Pays $1.50 for her room. For breakfast she has a cup of coffee; lunch she cannot afford. One meal a day is her allowance. This woman is young. She is pretty. She has 'the world before her.' Is it anything less than a miracle if she is guilty of nothing worse than the 'early and improvident marriage' against which moralists exclaim as one of the prolific causes of the distress of the poor? . . . 'I feel so

much healthier since I got three square meals a day,' said a lodger in one of the Girls' Homes.

"The tenement and the competition of public institutions and farmers' wives and daughters have done the tyrant shirt to death, but they have not bettered the lot of the needle women. The sweater on the East Side has appropriated the flannel shirt. He turns them out today at forty-five cents a dozen, paying his Jewish workers from twenty to thirty-five cents. "One of these testified before the State Board of Arbitration . . . that she worked eleven hours in the shop and four at home, and had never in the best of times made over $6.00 a week. . . . The white shirt has gone to the public and private institutions that shelter large numbers of girls, and to the country. There are not half as many shirt makers in New York today as only a few years ago, and some of the largest firms have closed their city shops. The same is true of the manufacturers of underwear. One large Broadway firm has nearly all its work done by the farmers' girls in Maine, who think themselves well off if they can earn $2.00 or $3.00 a week to pay for a Sunday silk, or the wedding outfit, little dreaming of the part they are playing in starving their city sisters. Literally, they sew 'with double thread, a shroud as well as a shirt.' Their pin money sets the rate of wages for thousands of poor sewing girls in New York. . . . I have aimed to set down a few dry facts merely. They carry their own comment. Back of the shop with its weary, grinding toil, the home in the tenement, of which it was said in a report of the State Labor Bureau: 'Decency and womanly reserve cannot be maintained there—what wonder so many fall away from virtue?' . . . Of outlook, what?

"Of the thousands . . . with the hot blood of youth in their veins, with the love of life and of the beautiful world to which not even sixty cents a day can shut their eyes—who is to blame if their feet find the paths of shame that are 'always open to them'? The very paths that have effaced the saving 'limit,' and to which it is declared to be 'inevitable that they must in many instances resort.'

"Let the moralist answer. Let the wise economist apply his rule of supply and demand, and let the answer be heard in this city of a thousand charities where justice goes begging." In closing this chapter the author gives a picture of the heroic resistance the New York working girl makes to the temptations of her surroundings. "Only in the rarest instance does she go astray. As a class she is brave, virtuous and true. . . . She is plucky and she is proud.

"That the 'American girl never whimpers' became a proverb long ago, and she accepts her lot uncomplainingly, doing the best she can and holding her cherished independence cheap at the cost of a meal, or of half her daily ration, if need be. . . . Her courage will not be without its reward. Slowly, as the conviction is thrust upon society that woman's work must enter more and more into its planning, a better day is dawning. The organization of working girls' clubs, unions and societies with a community of interests, despite the obstacles to such a movement, bears testimony to it, as to the devotion of the unselfish women who have made their poorer sister's cause their own, and will yet wring from an unfair world the justice too long denied her."

To meet these perils and reduce them the National Consumers' League was founded. The object of the league is thus stated in Article II of its constitution: "It shall be the special object of the National Consumers' League to secure adequate investigation of the conditions under which goods are made, in order to enable purchasers to distinguish in favor of goods made in a well-ordered factory. The majority of employers are virtually helpless to maintain a high standard as to hours, wages and working conditions under the stress of competition, unless sustained by the co-operation of consumers; therefore the National Consumers' League also proposes to educate public opinion and to endeavor so to direct its force as to promote better conditions among workers, while securing to the consumer exemption from the dangers attending unwholesome conditions. It is further proposed to promote legislation, either state or federal whenever it may appear expedient." The National Consumers' League further recognizes and declares the following: "That the interests of the community demand that all workers shall receive fair living wages, and that goods shall be produced under sanitary conditions. That the responsibility of some of the worst evils from which producers suffer rests with the consumers who seek the cheapest markets, regardless of how cheapness is brought about. That it is, therefore, the duty of consumers to find out under what conditions the articles they purchase are produced and distributed, and insist that these conditions shall be wholesome and consistent with a respectable existence on the part of the workers."*

* National Consumers' League, General Secretary, Mrs. Florence Kelley, 105 E. 22nd Street, New York City. See Reports and papers of the National Consumers' League; also Kelley, Florence: Some Ethical Gains through Legislation. The Macmillan Co., 1905.

"Welfare Work" of Employers*

The states of the United States have not kept pace with European nations in advanced social legislation, but many of the schemes of enlightened employers, often designated "welfare work," deserve praise. To be mentioned in this particular connection are those schemes whose purpose is to increase the income of wage-earners and to make it more regular and secure. The only way an employer or manager can see to increase the wages of employes is to secure an increase of their earning power and actual efficiency. He is seldom ready to admit that his profit fund or salary as manager should be touched for this desirable purpose. All the methods here mentioned, therefore, have for their purpose the improvement of the quantity and quality of the product of labor when it is combined with capital and superintendence.

Various plans of "profit-sharing" have been experimentally tested, but have not been satisfactory enough to secure general adoption. Objections are raised by both employers and workmen. The prospect of having an indefinite share in a general product is too vague and remote to affect the conduct of any individual operation.

Paying by the piece has been quite widely adopted, as it shows to each individual employe every hour and visibly the relation of his effort to his wage. When the quality of the product is not a primary consideration or can be controlled by inspection, and where the process is of such a nature that the pieces can be readily counted or weighed, this method of wage payment tends to increase the efficiency of labor and thus to raise the income. But the workmen often complain that when they work harder and produce more articles the employers soon cut down the rate per piece so that the daily income is not higher than it was before, while the strain is greater. Unless the method is applied in good faith on both sides it does not tend to produce better feeling between employers and employes.

Similar to piece work in its influence on efficiency is the bonus on output, which stimulates the workmen to utilize the capital invested in plant and machinery to the full. This method takes many forms, and is open to some of the objections expressed in relation to piece-price wage payments.

* Gilman, N. P.: A Dividend to Labor and Socialism, Boston, Houghton, Mifflin Co., 1899, and the American Spirit, Boston. Houghton, Mifflin Co., 1896. Tolman, W. H.: Social Engineering (1909). New York, McGraw Pub. Co., 1909. Publications of the National Civic Federation, which carries on a campaign to favor schemes of this order. D. A. Schloss has a critical analysis of modes of wage payment and their effects in his Methods of Industrial Remuneration. London, Williams & Norgate, 1898.

It is quite important that income should be regular and secure as well as high, and hence enlightened employers have fostered schemes of savings, ownership of stock in the enterprise, old age pensions, and sick and accident benefit funds. Old age pensions have been introduced by several large corporations and the motives stated have special interest in this discussion. Restlessness is almost a disease of American life, and it introduces many social disorders. The man who roves tends to become a vagabond, neglects family ties, is tempted to form brief and illegitimate sexual alliances, loses a sense of responsibility for reputation in a circle of worthy friends, and as a workman he is defective in efficiency and reliability. Hence the stable corporations, desiring to hold together a loyal and responsible corps of trained men, naturally cast about for means of inducing their employes to be faithful and steady in their service. The prospect of a decent income, secure against all contingencies, in case of prolonged invalidism and the feebleness of old age, acts as a constant education in continuity, patience, efficiency and loyalty. The great railway corporations have led in establishing pensions at their own cost, without asking contributions from the beneficiaries.*

One serious defect in all these plans is that the receipt of a pension depends on the continuance of the workman in the service of the particular employer through a long term of years and to the end of the earning period. Changes are often desirable and even necessary, from causes beyond the control of the individual workman. The tendency of the pension is to weaken trade unions in their efforts to raise or maintain wages; the workman is tied to the employer and loses something of loyalty to his comrades. The German and English systems of old age pensions not only cover all wage-earners, but are independent of individual employers and corporations. The American schemes, while enouraging, cannot be regarded as more than a temporary step in the evolution of industrial insurance.

Legal Measures Affecting Income

There has been no serious and general movement to guarantee by law a minimum wage; there is no general belief that it can be done. The rate of interest, the price of bread and other neces-

* See Henderson, C. R.: Industrial Insurance in the United States, Ch. VII and VIII. University of Chicago Press, 1909. Riebenack, Railway Provident Institutions. 7th Int. Rail. Eng., Washington, 1905. Willoughby, W. F.: Workingmen's Insurance, T. Y. Crowell and Co., and Twenty-third Annual Report of the Commissioner of Labor, 1908.

sities and the rate of wages are thought to be regulated best by free competition modified by public sentiment, by organized efforts of consumers, and especially by trade unions and their collective bargaining.*

The nearest legal approach to protection of income of wage-earners, but only in case of loss of income by industrial accident due to the culpable negligence of employers, is found in the employers' liability laws. These laws, however, whether resting on common law or statutes, are universally unsatisfactory and the demand for a compensation or insurance law is daily growing stronger. Several states have already appointed commissions to study the whole question. Associations of employers and the trade unions are trying to frame bills for new legislation. Unquestionably we are not far from advanced legislation in this field.

The investigations made with the aid of the Russell Sage Foundation furnish us with illustrations which amount to a condemnation of the present law relating to industrial accidents.†

"In October, 1906, Adam Rogalas, a Russian laborer employed at $1.60 a day by the Iron City Grain Elevator Company of Pittsburgh, was sent with two other workmen to do some work in an adjoining building, used by the company for storage. On the floor above them grain in bags was stored. The supports of the floor gave way and it fell. One of the workmen escaped, another was injured, Rogalas was killed. At the inquest a building inspector testified that the floor supports were obviously inadequate. This Rogalas had a wife, and he had four children, aged ten, six, five and two; but he had no savings. According to Mrs. Rogalas, the claim agent of the company offered to settle with her for $400, which she refused. She put her case in the hands of a lawyer and suit was entered for $20,000. Mrs. Rogalas got some washing to do; and the poor relief gave her six dollars worth of groceries per month. She begged at the door of her Catholic church Sundays; a sister with a family of six, did what she could; an occasional $10 was advanced by her lawyer. In severe winter weather, she was seen with shoes so old that her feet were exposed. Six months after the accident another child was born. Her case came to trial at the end of the year; the court

* The argument for a minimum wage has been strongly presented by Ryan, J. A.: Living Wage (1906), (Salaire et Droit à l'Existence, Paris, 1910); but no practicable method has been shown for making the demand effective by any direct legislation, at least in this country.

† Eastman, Crystal: Work-accidents and the Law. New York, Charities Publication Committee, 1910. Russell Sage Foundation Publication.

instructed the jury to return a verdict for the defendant. Mrs. Rogalas had lost her case.

"On August 5, 1907, Robert Reeve, a United States postal clerk, was working on a car in the Baltimore and Ohio yards in Pittsburgh. The engine to which his car was attached collided slightly with another, so that by the jar he was thrown against one of the iron hooks on which mail pouches are hung and a bone behind his ear was injured. He was four days in the hospital, the charges for which the railroad company paid. He did not go back to work for four weeks. During this time his salary was paid in full by the government, $83.30. He received in addition $64 from a Mail Clerks' Association to which he belonged and paid dues. He settled with the railroad for $250, of which his lawyer's fee was $100. Thus Reeve's slight injury, resulting so far as we know in nothing permanent, meant a month's vacation for him on full pay, with $150 thrown in."

The writer then says that extreme illustrations have been chosen by her for a purpose. The conclusions to be drawn from the results of her investigations will depend on what sort of case is typical.

"Of 526 workers killed in Allegheny County during one year, 258, almost one-half, were married men regularly supporting their families, and three were women contributing to the support of others. The other 265 were single men of all ages from thirteen to sixty-five, 9 per cent of whom were the sole support of a family, 10 per cent were the chief support, and 43 per cent regular contributors. Thus while 19 per cent of the deaths left no private economic need to be faced, considerably over half of them meant the cutting off of the chief support of the family. . . .

"Out of 355 cases of men killed in a year's industrial accidents, all of whom were contributing to the support of others and two-thirds of whom were married, 89 of the families left received not one dollar of compensation from the employer; 113 families received not more than $100; . . . 61 families received something over $100, but not more than $500. . . .

"The proportion of loss borne by employers in injury cases does not greatly differ from that in death cases. Thus, out of 288 injury cases: Of the married men, 56 per cent received no compensation; of the single men contributing to the support of others, 69 per cent received no compensation; of single men without dependents, 80 per cent received no compensation. Of six men totally disabled for

life (one lost an arm and a leg, one is paralyzed, and four will walk on crutches for the rest of their lives), three received no compensation, one $30, one $125, and one $365. In 27 cases where men were partially disabled for life, and their earning power reduced on an average of 29 per cent, compensation was as follows: 12 received no compensation; seven received $100 or less; six received $101 to $500; two received over $500. . . . The proportion of cases in which no dollar of compensation was received from the employer to take the place of lost income, in case of both injuries and deaths, including both married and single men, is considerably over 50 per cent."

No compensation means no compensation for lost income. Hospital charges in 84 per cent of the injury cases were paid by the employer. In discussing the causes of the work-accidents studied the writer finds that 27.85 per cent were accidents the cause of which is attributed solely to those killed or their fellow workmen, 29.97 per cent were due solely to employers or their representatives in authority, 15.91 per cent were due to both the foregoing causes, 26.26 per cent were due to neither of the foregoing causes.

It is concluded that 95 per cent of the work-accidents were not due to the fault of the man who was hurt.

Miss Eastman, in closing an article on Distributing Industrial Accident Losses,* said: "We have criticized the present distribution of industrial accident losses on the ground that it is poor national economy, that the basis and underlying principle of it is unjust, that in actual operation it wastes and scatters resources, that the voluntary institutions which have become part of it do more harm than good, and that it is of little use in preventing accidents. In planning new legislation along this line, we must have constantly in mind these evils. We should therefore require of any new system which we adopt:

"1. That it make compensation for injury and death from industrial accidents compulsory upon employers. Any scheme which leaves the alternative with the employer fails to recognize and correct the injustice of the present distribution.

"2. That it make this compensation uniform and definite, and sufficient in amount (a) to shift a considerable portion of the loss from the injured workman to the employer (and thus ultimately to the public), and (b) to encourage the greatest care in the employer.

*Proceedings of the Second Annual Meeting American Association for Labor Legislation.

"3. That such compensation shall not depend upon a contract between employer and employed. For in such a contract there are dangers to the actual freedom of the workers, dangers against which the law cannot protect them."

An expert legal opinion on the injustice of the present employers' liability law is as follows:*

"No one who believes in government by law can see without grave misgiving the disrepute and contempt into which personal injury law is falling through numerous jury verdicts in flagrant disregard of it, though perhaps these verdicts are only an unjust attempt to effect a rough justice. No one who believes in the protection of life and property by law can justify the dangers to both which the present law permits. . . . The truth must be told. The law of employers' liability for accident, operative in the United States today, is obsolete, ineffective and unjust. . . . In April, 1908, Congress passed an amended Employers' Liability Act, limited to cases under its jurisdiction affecting common carriers by interstate railway only. This act, now in force, makes the following changes in the negligence law: 'It makes railways liable to employes for the negligence of officers, agents or employes, and for defects in cars, machinery, etc., due to its negligence; it provides that contributory negligence on the part of the injured shall be no bar to recovery if the injured's negligence is slight and that of the employer gross; it obliterates entirely the employer's defense of contributory negligence on the part of the employe, if the employer has violated a safety statute; requires questions of negligence to be left to the jury for decision; and provides that no such employer shall exempt himself by any special contract with an employe from liability under the act.'"

Industrial Insurance Companies

As generally understood, "industrial insurance" in the United States means a provision by private companies of small death benefits, usually not more than enough to cover immediate expenses of burial and, perhaps, costs of the last illness. The premiums are collected weekly and the claims are established and paid by agents who visit the home. This is the most popular method with families of low income because it fits in with the weekly payment of wages and offers satisfactory guarantees that the policy will be paid according to agreement. The tables offer indemnities in case of death

* Packer, Launcelot: The Hazards of Industry, *The Outlook*, June 5, 1909.

of infants and of adults, and they are graded according to age and amounts paid. Various special forms of policy are offered.

In order to reduce the cost, the companies are now offering "group insurance" at lower rates where one hundred or more persons join in payment of premiums. This plan is still in the experimental stage. It has encountered opposition from the fraternal orders who regard it as a means of weakening their organizations. When the person is able to pay monthly or quarterly the rates can be reduced to the policy holder, since the expenses for collection are less; but it is difficult for the poor to employ this plan. There are about twenty companies of this class, but most of the business is done by two or three of the largest companies. Since 1907 new tables have been put out by the principal companies which doubled the benefits on infantile policies for the same premiums (5 cents only) and increased the benefits on adult policies, for the same premiums, 13 to 23 per cent. The payment of premium ceases at the age of seventy-four.

In May, 1909, the Metropolitan, for example, announced a new table of benefits 10 per cent higher than the previous rates, and adding to the value of many policies already issued, according to the length of time they have been in force. Competing companies must naturally follow the advances made by the strongest companies. The explanation of the advances given by the officers of the companies is that there is a more careful selection of risks, perhaps an improvement in health conditions, and a heavy reduction in expenses, in one case 15 per cent in the last ten years. Probably competition, criticism and legislation have hastened the process of improvement.

But with all these improvements we must still regard this form of insurance as transitional. It is inadequate, since it provides only burial benefit in the case of the very poor. It is very costly, as compared with insurance bought by well-to-do persons. It does not cover loss of income due to accidents, and it has only begun experiments with sickness insurance and pensions for old age or invalidism.*

Unemployment †

The legal and governmental measures for securing income in times of unemployment have been fragmentary and tentative; it

* See article by the writer on the recent improvements by industrial insurance companies in *American Journal of Sociology*, January, 1910.

† A committee of the American Association for Labor Legislation, appointed in 1909 to co-operate with the international conference to be held in Paris in August, 1910, is securing studies of this problem, and Dr. C. P. Neill, Commissioner of Labor, co-operates with the committee and will furnish data gathered by the federal government.

cannot be said that we have any definite policy. The whole matter has been left to the savings of individual workmen, to out-of-work benefits of trade unions, to special public work in times of special industrial depression, and to public and private charity. And yet times of unemployment are particularly periods of temptation to crimes against property, and the problem must be approached with this fact in mind.

CRIMES OF AMBITION AND POWER

The rapid increase of vast capital under the control of great corporation managers in transportation, mining, manufacture and commerce has given to anti-social dispositions new temptations colossal in magnitude. Public sentiment has still great difficulty in adjusting itself to the new phenomena. They are so complicated, and the dealings of the rival managers are carried on in such hidden and secret ways, that the public mind is often without data for judgment. The study of law, without fundamental discipline in economics and social ethics, is not a sufficient preparation of lawyers and judges to understand and interpret the requirements of modern industrial and commercial adjustment. Men whose chief business it is to seek precedents in the past and to apply ancient rules to actual situations, are often at a loss when social evolution has reversed the relations of centuries and made old legal maxims ridiculous.

Furthermore, it has been difficult for many men to believe that any great fortune can be honestly acquired. The explanation of some very considerable fortunes cannot be found in the superior character or ability or service of the successful man, but largely in some lucky combination of circumstances at a point where he happened to be when all the winds blew his way. To multitudes of persons the very fact that wealth has been quickly acquired is plain proof of dishonesty. "Who can really earn a million dollars in one year?" Yet sometimes millions have been won—and lost—in an hour.

Gradually a more discriminating judgment has begun to take shape. The necessity for concentration of capital and of management under the unified, centralized direction of a few able men, has come to be quite generally recognized; indeed it is a stock argument employed in popular meetings by the Socialists. It has been discovered and admitted that this concentration has led to specialization in productive processes, to a better use of machinery and power,

to many economies in manipulating materials and marketing products, and hence—in the absence of monopoly—to a reduction in the cost of the conveniences and necessities of life, while wages may be advanced. In general, wages, both nominal and real, have advanced.

The present and prevalent attitude of the American public has been expressed in public documents and speeches by President Roosevelt and President Taft: there are useful corporations which have a right to confidence and protection, and there are corporations which are hurtful and must be brought under wise legal control. The tendency toward combinations of capital and centralized direction is desirable and inevitable; only abuses call for condemnation, discipline, punishment.

Some examples of evils which are popularly charged against some of those who have acquired great fortunes are:

(1) The wrongful acquisition of titles to natural resources; as, the dishonest possession of large areas of grazing lands, mines and forests. Sometimes, it is alleged, such areas have been appropriated without notice to the authorities, in contravention of law, and sometimes the forms of law were observed in transactions which were essentially fraudulent. The policy of granting absolute ownership to private parties by titles to mining lands has been followed by a monopoly of the anthracite supplies and the places for homes of the miners themselves.

(2) It is frequently urged that many fortunes have been derived from the possession of valuable franchises for public utility corporations which were originally obtained from legislatures and municipal councils by bribing public servants to betray the public interest.

(3) The manipulation of stocks by boards of directors, or by cliques in such boards, followed by the absorption of the investments of smaller holders and by subsequent excessive charges to the public for freights to pay dividends on "watered stock."*

* "Investors of capital are often grievously wronged through concealment of facts and deception practiced by promoters and directors at the time an industry is organized, and, later, through misrepresentation of the condition of business and the methods in which a business is carried on. The greatest evil at the time of the organization or extension of the business probably comes from stock watering, a process which could not profitably be carried on without concealment and deception. A second class of persons injured is that of stockholders. Directors not infrequently manage the business in their own interests, regardless of those of the stockholders. . . .

"The producers of raw materials may be injured by low prices, which the combination, by virtue of its being the largest, if not almost the sole buyer, can compel the producer to accept. The combination may so increase its powers as to injure the wage-earners by compelling them to accept lower wages or to work under less

(4) The "trusts," it is claimed, have in some instances been built up by special rates for transportation, given by railways at the expense of other shippers who were denied such lower rates and so were driven out of business. This made competition impossible. After this stage the public is at the mercy of the trusts save when there is "potential" competition from other directions.*

(5) It is currently said that some of the great fortunes were built up by special tariff rates which raised the prices of certain commodities to the consumers and made a gift of immense profits to the favored few.

We do not attempt to deal critically with these indictments; they are given merely as illustrations of popular beliefs, and current expressions of distrust and reaction.

The laws of the Union and of the states and the precedents found in former judicial decisions were not suited to meet the immense and radical changes in the activities and organization of industry, transportation and trade which have been witnessed during the past generation. Indeed, it was necessary to demonstrate that a certain method of business was actually hurtful to the community before it could be put in the category of punishable conduct. In the effort, often somewhat hysterical, of public writers and legislators to define the novel crimes and assign penalties, many blunders were committed. In the attempt to enforce this erroneous legislation the executive was sometimes compelled to punish business men for actions which were socially desirable; and courts were required to decide new problems on the basis of ancient precedents which throw no light on the new situation.

The problem of prevention of crime in this new world of thought and experiment is, therefore, very complicated; it is, in its essence, the problem of conserving liberty of invention, personal initiative and aggressive enterprise, and at the same time of preventing abuse of power, injustice to competitors, and exploitation of consumers.

The fundamental principle for guidance is the removal of temptation to criminal abuse of power. Examples of methods already proposed are here briefly mentioned, without attempting to describe them in detail and without pretending to offer an argument for or against them.

favorable conditions than would be granted by competing concerns. So, too, the power exercised, apparently arbitrarily at times, of closing part of the plants to avert a strike, or even to affect the stock market, is dangerous."—JENKS: The Trust Problem.

* Clark, J. B.: Distribution of Wealth. The Macmillan Co., 1899.

Publicity as a Preventive

The prevention of crimes of the powerful depends primarily on *publicity*. Iniquity cannot bear the light. This policy is already followed in the maintenance of a department of the federal government for the examination of the accounts and conduct of the national banks, and is logical because the banks of this kind retain public confidence largely because of the assurances and guarantees of the national government. Similar examinations are sometimes made of other banks by the administrative departments of the several states in which banks are incorporated. These examinations are far from perfect, and the agents are not always competent or honest, but the wisdom of the general policy is accepted by the nation.

"Publicity regarding the organization of a business, which should compel promoters to show clearly to investors the basis on which a large corporation or combination of corporations is organized, would certainly put careful investors into a position to protect themselves."*

Various remedies are now under consideration which have not been enacted into federal legislation. Thus it has been proposed to make large corporations doing interstate business take out a federal license and pay a federal tax. Under this system the federal authorities would make careful examination of the business and hold the corporations to their duties; secrecy would be impossible.

The Municipal Voters' League of Chicago has been a very efficient agency in preventing corrupt men from gaining or keeping positions in the city council and hence in the administration. A feeble or dishonest city government is a direct encouragement and a bad example to morally inert and vicious men. The police under such conditions are more apt to yield to the ever-present temptations to accept bribes from criminals and panderers to low vice. Hence a vigorous, sustained and successful organization which publishes the revelatory actions of political candidates is an effective means of preventing the growth of criminality in the population. The league mentioned simply informs the voters of all parties of the conduct of the candidates or aspirants and what, therefore, may be expected of them if they are elected. Most voters really prefer to vote for competent and upright officials. Patriotism and self-interest induce them to choose the better candidates. Unfortunately, in the cities there are so many elective offices, and the candidates are so numerous and

*Jenks, Jeremiah W.: The Trust Problem. New York, McClure, Phillips Co., 1907.

obscure, that the average voter, unless informed by some intelligent and impartial society, must cast his vote in the dark. In such circumstances the corrupt politician has his chance to mount into high positions where he can do much mischief and debase political life by giving his favors to unscrupulous and dangerous men who follow his lead and promote his interests. The information carefully gathered and widely published by the league is a terror to evil-doers who have voted for wicked measures, accepted bribes from corporations in return for votes on franchises, or allied themselves with groups of men who are public enemies.

The Legislative Voters' League performs a similar service for voters in relation to state offices.

In most cities there are reform clubs of various aims and composition which render a valuable service in giving to the public reliable and non-partisan information.

Public Service Control by Federal and State Commissions

History gives overwhelming proof that men clothed with vast power and without responsibility to the people are sure to abuse that power even though they sincerely think they are rulers "by the grace of God." Therefore all great modern nations have gradually brought their executive officials—emperors, kings, presidents—under constitutions, and made them answerable to elective bodies who represent the people. This universal movement was resisted as long as resistance was possible, for men of strength seem always and everywhere to have a passion to exercise authority without having to give account to any one.

In the great financial and industrial organizations the modern world confronts a new form of absolutism, where men of energy and initiative are severely tempted to carry out vast schemes in the secrecy of their offices or in the councils of a very small group of powerful financiers. The results of this policy are similar to those in government; the authority given to promote the interests of stockholders, and the corporate rights conferred by the state under pledge of conserving the still larger interests of the people not stockholders, have been regarded in some cases as the perquisites and property of the executive heads of financial organizations whose capital and income equal or surpass in extent the budgets of considerable states.

In addition to publicity of accounts the people of the United

States are coming to believe that some form of direct supervision and control is necessary to protect public interests from arbitrary and secret control of a few individuals. Unquestionably mistakes have been made. It is difficult to secure at ordinary government salaries men of sufficient ability and expert skill to cope with the force and strategy of the ablest men of the nation. With the technical details of this effort we have not here to deal; but the movement itself is too significant to pass without an attempt to interpret it in relation to our theme, for it means an effort to prevent the colossal crimes of power.

The Interstate Commerce Commission of the federal government is the most conspicuous illustration of the commission method of correcting and preventing abuses of power by corporations, chiefly those engaged in the business of transportation. In the nature of the case railways have a monopoly at non-competing points, and by agreements of great systems it is possible to create monopolies over vast areas if not over the entire country. The combination of short lines into great trunk lines and systems has promoted the tendency to monopoly. These combinations may be of great advantage to the community, for they introduce many economies, facilitate the forwarding of passengers and goods, and make lower rates of travel and freight possible. At the same time they offer the danger of exploitation and ruin of various interests. The Interstate Commerce Commission was created in response to the belief that this great power of combination and monopoly had already been grossly abused and that there was still greater danger in the future from the possessors of irresponsible power.

The law of 1887 regulating interstate commerce,* contains the following provisions: It is applicable to all common carriers engaged in the transportation of property or persons for hire from one state to another or to a foreign country. All charges must be just, reasonable and for similar and contemporaneous services the same to all persons. It is made unlawful to give preference or advantage to any person, locality or description of traffic. Carriers are forbidden to charge more for the shorter than for the longer distance, over the same line, in the same direction, when the conditions are substantially similar. Pooling traffic or earnings is made unlawful. Rate schedules must be provided and open to inspection. An injured person may complain before the Interstate Commerce Com-

* See Merritt, Albert N.: Federal Regulation of Railway Rates, Houghton, Mifflin Co., 1907.

mission, or before the United States Circuit Court; and the officers of a railroad may be compelled to testify and produce books, but such evidence cannot be used against the person giving it in any subsequent criminal proceedings. The penalty which may be imposed is not to exceed $5,000, or two years' imprisonment, or both. The person receiving a rebate or discriminatory rate may be fined or imprisoned. The commission is composed of five members appointed by the President. It is required to effect settlements without formal hearings whenever practicable. If the carrier refuses to obey the orders of the commission this body may appeal to the courts. The commission may require annual and uniform reports from the railroads and must itself make an annual report.

Various amendments to the original act have been made to render it more effective. The commission was enlarged to seven members, and the salaries increased to $10,000 a year. The Hepburn Act (1906) gave the commission power to prescribe a maximum rate.

Up to January 1, 1906, the commission had received 3791 informal complaints and of these disposed of 2400 informally to the satisfaction of both the shippers and the railroads. There were 789 formal complaints, of which 369 cases were formally decided, 359 withdrawn. Latterly the courts seem more inclined to sustain the decisions of the commission than in earlier years.

Prosecutions by the commission are discussed in the report of 1908 as follows:

"The enforcement of the Act by means of criminal prosecutions still continues to be necessary. . . . Since December 1, 1907, 46 indictments for giving or receiving rebates were returned to the various judicial districts of the country. In the same period 41 prosecutions were concluded, 24 by convictions on pleas of guilty in the trial courts, seven by affirmances of convictions upon appeal, three by acquittal, one by quashing of indictment by the court of appeals after conviction in the trial court, and six by entry of *nolle prosequi* before trial. The division of prosecutions has also investigated many practices of carriers during the year which have been held not to be of sufficient gravity for prosecutions, but which, being of doubtful propriety, have been required to be corrected or discontinued.

"It is believed that discriminations by means of rebates paid as such and by means of billing at less than legal rates have been fewer in number during the year 1908 than ever before. It still remains true, however, that many shippers enjoy illegal advantages. These advantages are usually concealed in contract relationships

which are legal in form, but which in substance are unlawful. Allowances or privileges contained in filed and published tariffs are also frequently found to be objectionable.

"Arrangements by which carriers farm out a portion of their duties to shippers generally result in discrimination. Under this heading may be placed the evils arising from private ownership of freight cars, the allowance paid by the carriers being frequently excessive. Elevators operated by shippers and furnishing a service covered by railroad tariffs usually result in a more or less complete monopoly of the grain business passing through them. Lighterage arrangements when made between carriers and shippers are also means of discrimination. The ownership of cotton compressors by shippers and the treatment of their services as a railroad duty also works discrimination in handling cotton. Other like instances might be given. It is sufficient to say, however, that any use by carriers of instrumentalities owned by shippers usually results to the unlawful advantage of the owners of such instrumentalities. The decisions of the courts during the past year have, with two or three exceptions, served to strengthen the law against discrimination.

"In United States *v.* Great Northern Railway Company, 208 U. S. 452, the Supreme Court held that the amendment to the Elkins Act of June 29, 1906, did not operate as a pardon for offenses committed before that time as to which indictment had not been brought at the time of the amendment. This decision made possible a number of prosecutions.

"In Armour Packing Company *v.* United States, 209 U. S. 56, the Supreme Court made a number of rulings of great importance. It held that a contract legal when made could not be pleaded as a defense by a shipper charged with receiving less than tariff rates, even though such contract provided for the rates actually enjoyed. In this case the court upheld the jurisdiction clause of the Elkins Act, enabling the government to prosecute either shipper or carrier in any judicial district through which transportation carried at an unlawful rate may pass. The court also held that the term 'device' as used in the act to regulate commerce and in the Elkins Act, includes any plan or contrivance whereby merchandise is transported at less than the published rate and is not confined to fraudulent or dishonest contrivances. In this decision, also, the court held that shipments moving in foreign commerce are, in so far as transportation within the boundaries of the United States is concerned, subject to the act to regulate commerce. It was also held that such regulation

of foreign commerce is not a violation of the provision of the Constitution that no tax or duty should be laid on articles exported from any state and that no preference shall be given by any regulation of commerce or revenue to the parts of one state over those of another.

"In Chicago, St. Paul, Minneapolis and Omaha Railway *et al. v.* United States, 162 Fed. Rep. 835, the Circuit Court of Appeals for the Eighth Circuit rendered a decision of great value. In this case the traffic manager of the railway was included in the indictment. He pleaded and proved that he had not intended to violate the law; that he had moved in the utmost good faith, and that in making the payments covered by the indictment he had considered that he had the authority of a decision of the Interstate Commerce Commission covering and permitting such payments. The court held nevertheless that the violation was within the meaning of the statute 'willful' as the defendant had performed the acts charged. It was also held that the published rate is 'an absolute standard of uniformity.'" *

The report recounts 46 indictments returned during 1908, some of which are here discussed. Fake billing is a common charge for which indictment is returned, also unlawful use of passes by individuals, unlawful issuance of passes by railroads. In some of the cases fines have been imposed.

March 3, 1908, indictment was returned against Chapman and Dewey Lumber Company (District Court, eastern Missouri), charging receipt of rebates from the St. Louis and San Francisco Railroad Company on shipments of lumber (13 counts); March 10, 1908, plea of guilty; fined $13,000.

December 4, 1908, the Chesapeake and Ohio Railroad pleaded guilty to rebating (9 counts); fined $9,000.

The above are sample cases. The 41 prosecutions concluded in 1908 are also discussed. Armour Packing Company was fined $15,000 for receiving rebates, the judgment being affirmed by the United States Supreme Court. Swift and Company, Morris and Company, Cudahy Packing Company, were all fined in the same amount for the same offense.

Atchison, Topeka and Santa Fé Railroad for granting rebates to United States Sugar and Land Company (65 counts) pleaded guilty to first count and was fined $7000. The remaining counts were *nol. pros.*

Among the names of those indicted and fined are: Camden

* Report of the Interstate Commerce Commission, 1908, on Division of Prosecutions.

Iron Works, Central Vermont Railway, Chicago, Burlington and Quincy Railroad, Great Northern Railway Company, St. Louis and San Francisco Railroad Company, Toledo Ice and Coal Company.

Under the heading Digest of Decisions in Criminal Cases the report says that in the cases of packing companies the court held that the word "device" as used is disassociated from such words as "fraudulent conduct," "scheme" or "contrivance," but the act reaches all means and methods of rebating by which the unlawful concession is offered, granted, given or received.

The Supreme Court held that the jurisdiction clause of the Elkins Act, providing that the prosecution may take place in any district through which transportation at illegal rates has been conducted, is constitutional.

It was contended that the statutes have no application to a shipment on a through bill of lading from an interior point of the United States to a foreign port. On this point the language of the Supreme Court was: "There is no attempt in the language of the act to exempt such foreign commerce as is carried on through bill of lading; on the contrary the act in terms applies to the transportation of property, shipped from any place in the United States to a foreign country and carried from such a place to a place of transhipment." Again, the Court said: "If the shipper sees fit to make a contract covering a definite period for a rate in force at the time, he must be taken to have done so subject to possible change in the published rate in the manner fixed by the statute, to which he must conform or suffer the penalty fixed by law."

United States *v.* Vacuum Oil Company; 3 cases same *v.* Standard Oil Company of New York; 3 cases same *v.* Standard Oil Company of New York *et al.* (158 Fed. Rep. 536, District Court, Western District of New York, January 4, 1908, Hazel, D. J.) "In a prosecution of a shipper for receiving rebates or commissions . . . the indictment need not aver the route over which the shipment was actually made. The indictment need not specifically charge the actual payment of the unlawful lower rate conceded. . . . Prima facie the offense was consummated when the property was transported at the unlawful rate, and the payment of the rate, when, by whom, how, and under what circumstances, is not deemed an essential allegation. The fact that the rebate charged was given by a railway whose line was situated entirely within the state of New York is no defense to the charge of receiving a rebate in violation of the act to regulate commerce, when such rebate was actually given

out of the rate charged for the transportation of goods moving in interstate commerce. . . .

"The Elkins act is not a violation of the fifth amendment because it subjects a shipper to criminal prosecution for accepting a concession from a rate published and filed without permitting him as a defense to show that the established rate was extortionate and unreasonable and that the rate paid was reasonable."

Under the heading The Safety Appliance Law, the report says: "The law as amended comprehends: (1) all cars and equipment actually used in the transportation of interstate commerce; (2) all cars and equipment used in connection with cars or equipment engaged in the transportation of interstate commerce; (3) all cars and equipment handled by a carrier in interstate commerce. On the third head in the case of United States *v.* Baltimore and Ohio Southwestern Railroad Company, Judge Humphreys held that it was unlawful for a railroad company to haul upon rates which are being constantly used in interstate commerce a train having in its equipment less than the required percentage of power brakes. In the case of United States *v.* Wheeling and Lake Erie Railroad, decided June 6, 1908, by the district court of the United States for the northern district of Ohio, Judge Taylor said: 'All of the cars used by a railroad engaged in interstate commerce, in the natural course of their use, are instrumentalities of interstate commerce; whether they carry interstate traffic or are hauled in a train which contains interstate traffic the effect is the same. They stand in a certain and important relation to all that interstate commerce over which Congress has control, and it is quite apparent that Congress . . . would necessarily have a regard for the cars which the interstate commerce railroad had in use.'"

Later the report continues: "Since the rendition of our last report, the courts have, by clear and far-reaching decisions, materially aided in the enforcement of the law. The most important decision relating to the subject is that rendered by the Supreme Court of the United States in the case of St. Louis, Iron Mountain and Southern Railway Company *v.* Taylor, admx., 210 U. S. 281, in which Mr. Justice Moody, speaking for the Court, said: 'The Congress, not satisfied with the common-law duty and its resulting liability, has prescribed and defined the duty by statute. We have nothing to do but to ascertain and declare the meaning of a few simple words in which the duty is described. It is enacted that "no cars, either loaded or unloaded, shall be used in interstate traffic which do not comply with

the standard." There is no escape from the meaning of these words. Explanation cannot clarify them, and ought not to be employed to confuse or lessen their significance. The obvious purpose of the legislature was to supplant the qualified duty of the common law with an absolute duty deemed by it more just. If the railroad does, in point of fact, use cars which do not comply with the standard, it violates the plain prohibitions of the law, and there arises from that violation the liability to make compensation to the one who is injured.'

"Notwithstanding this strong opinion of the Supreme Court, however, many of the railroads which have been prosecuted by the commission for using cars with defective coupling appliances have controverted the obligatory force of the statute. They have attempted to secure decisions that would distinguish between a remedial action such as the Taylor case, which was a suit to recover damages for permanent injuries, and a proceeding instituted by the government to collect a penalty from a railroad using appliances defective within the terms of the statute. In the latter class of cases they have endeavored to have a ruling made to the effect that the provisions of the statute are satisfied with the exercise of reasonable diligence in maintenance of safety appliances, and that due care in making inspections suffices to prevent the imposition of penalties, even in cases where appliances may be out of order. Such a holding would seriously impair the efficiency of the law, and it would have been almost impossible to secure evidence satisfactory to the jury if a standard so uncertain should have been sustained by the courts. In a few instances such contention has been upheld, but the great current of judicial authority during the year has vindicated the view of the commission that the law is absolute, both as to remedial actions for the recovery of penalties, and that it requires not only the original equipment of cars, but the continuous maintenance of such equipment in operative condition. And it is now practically established that an unqualified liability devolves upon the railroads for any conditions of unrepair of the statutory appliances."

The report then enumerates twelve cases, decided since the submission of the last annual report, which "have sustained the law as absolutely mandatory."

Later the report states that, with the possible exception of power brakes, the condition of safety appliances is steadily improving.

"The records of the commission show a gratifying decrease in the number of railway employes injured while engaged in coupling

operations. This beneficent result is due almost entirely to the legislative regulation of couplers, and presents a cogent argument for an extension of the law to include the automatic coupling of brake, steam and signal hose.

"Since the enactment of the law (with reference to safety devices), there have been sent to the United States attorneys 597 cases, comprising 2,395 separate violations, and penalties amounting to more than $100,000 have been recovered. The law is now so well established that it is confidently believed that it will result at no distant date in carrying out to the fullest extent the views of Congress in its enactment. There have been reported during the past twelve months only about half as many violations as were filed during the preceding year. Prosecutions under the safety appliance act are being vigorously pursued, and each decision tends the more strongly to fortify the efforts of the Commission in its enforcement."

On page 48 of the report, the commission takes up the Hours of Service Law. It became effective March 4, 1908. In order to avoid possible ambiguity the commission issued certain administrative rulings:

SECTION I. The law is applicable to every common carrier subject to the Act to regulate commerce and to every employe concerned in the physical operation of such company's trains.

SECTION II. The requirement of ten consecutive hours off duty applies only to such employes as have been on duty sixteen consecutive hours. The requirement for eight consecutive hours off duty applies not only to employes who have been on duty sixteen consecutive hours, but have been on duty sixteen hours in the aggregate out of a twenty-four hour period.

A telegraph or telephone operator who is employed in a night and day office may not be required to perform duty in any capacity or of any kind beyond nine hours of total service in any twenty-four hour period.

A twenty-four hour period begins when the employe goes on duty after an interim of not less than eight consecutive hours off duty.

Time "on duty" includes the entire period of service or responsibility therefor.

A "week" means a calendar week, beginning with Sunday.

SECTION III. The exemptions prescribed by this section contemplate only such accidents as could not by the exercise of diligence on the part of the carriers, their agents, or officers, have been anticipated and prevented.

Employes performing excess services are not liable to the penalties of the act.

Employes unavoidably delayed by causes that could not have been foreseen at the commencement of a trip, may lawfully continue on duty to the terminal or end of that run.

SECTION IV. In the enforcement of this Act the commission has all the powers granted to it by the act to regulate commerce.

Employes "deadheading" on trains for the operation of which they are not responsible are not 'on duty' within the meaning of the law.

In order to enforce the law in this respect, the commission issued an order requiring monthly reports, under oath of the carriers. In general the railroads have acquiesced in this, but eleven have instituted injunction proceedings claiming that they cannot be compelled to make such reports. A decision has not been rendered in any of these cases.

"Another criticism in regard to the act under consideration has reference to Section 3 thereof, that: 'The provisions of this act shall not apply in any case of casualty or unavoidable accident, or the act of God.' Presuming on these exceptions, carriers have endeavored to explain their failures to comply with the law by a variety of reasons which, in the opinion of the commission, are not emergencies such as were contemplated by Congress in the drafting of the statute. Among such excuses may be mentioned 'leaky valves,' 'hot boxes,' 'drawheads pulled out,' 'engine failures' from various causes not explained, 'broken air hose,' etc., some of which have resulted in detaining men on duty for continuous periods of more than forty-one hours."

The report suggests that the law in these matters be made more specific and the discretion of carriers in determining whether a given incident is an unavoidable accident be further restricted.

"In conclusion it may be stated that satisfactory results have followed the efforts of the Commission to secure, by correspondence with carriers, compliance with the spirit of the law. Almost without exception the carriers have adapted their practices to the interpretation of the law announced by the Commission."

The report of 1907 announced the appointment of a Block Signal and Train Control Board. The 1908 report summarizes its work to date as follows: (1) "The giving of authoritative opinions on a large number of plans and devices which were supposed by their inventors to have decided merit, but which in part were, for the most part, substantially without value; (2) the systematic investigation or supervision (or the beginning of such supervision) of

a very few inventions, now about to be tried, which promise to demonstrate the reliability of certain classes of train-stopping apparatus; and (3) the beginning of necessary inquiries concerning the present practices of the railroads in block signaling. . . . The board endorsed a year ago the recommendation of the commission that legislation be enacted looking to compulsory use of the block system."

Concerning railway accidents, attention is called to the necessity for legislation authorizing investigation of train accidents.

"The decrease in railroad accidents in the past year is a source of gratification, and the railroads are credited with having intelligently made use of the opportunities afforded by the lessened rush of business of the preceding years to improve their service. . . . Except in the increased use of the block system, there is no evidence that the railroads generally are introducing in their methods any radical changes which will tend to make their service safer. This being so, it seems not unreasonable to suppose that a general and large increase in traffic which may come within a year will be accompanied by a return of the unsatisfactory conditions of former years and thus emphasize the demand for improvement in personnel, in methods, and in many cases in apparatus."

On and after January 1, 1910, it will be unlawful for any common carrier engaged in interstate foreign commerce by railroad to use any locomotive in moving interstate or foreign traffic that is not equipped with an ash pan that can be dumped or emptied and cleaned without the necessity of any employe going under such locomotive.

These detailed illustrations are necessary to show how vast and intricate are the problems of repression and prevention of injurious acts of great corporations by the administrative officers of the federal government.

Life Insurance Companies and Reforms: The Armstrong Investigation

From the report of the Joint Committee of the Senate and Assembly of the state of New York, appointed to investigate the affairs of life insurance companies, the following is taken.* The resolution, in pursuance of which the committee was appointed, assigned the duty: "To investigate and examine into the business and affairs of life insurance companies doing business in the state of

*N. Y. (State) Legislation. Joint Committee on Investigation of Life Insurance, Albany, Brandon Publishing Co., 1905–6.

New York, with reference to the investments of said companies, the relation of the officers thereof to such investments, the relation of such companies to subsidiary corporations, the government and control of such companies, the contractual relations of said companies to their policy holders, the cost of life insurance, the expenses of said companies and any other phase of the life insurance business deemed by the committee to be proper, for the purpose of drafting and reporting to the next session of the legislature such a revision of the laws regulating and relating to life insurance in this state as said committee may deem proper."

The committee organized August 1, 1905, and later employed James McKeen and Charles E. Hughes as counsel. Fifty-seven sessions were held from September 6, 1905, to December 30, 1905.

Of the remedial measures recommended, the following is of special interest: "Section 200, permitting the incorporation of companies upon the co-operative or assessment plan, should be amended so as not to permit such companies to be incorporated in the future, and foreign companies not already transacting business in this state should not be permitted to enter the state. Companies of this class, aside from the voluntary reserves they may maintain, afford practically no security to their policy holders other than their capacity to levy assessments. In most cases their history presents a record of deception and delusion. Too frequently they invite disaster by offering insurance below its actual cost and inflict disappointment and serious loss upon those who have confided in an attractive scheme for cheap insurance and are unable to pay the readjusted rates which in the course of time must inevitably be demanded."

On the subject of Control or The Rights of Policy Holders in the Election of Directors, the report says: "Notwithstanding their theoretical rights, policy holders have had little or no voice in the management. Entrenched behind proxies, easily collected by subservient agents and running for long periods, unless expressly revoked, the officers of these companies have occupied unassailable positions and have been able to exercise despotic power. Ownership of the entire stock of an unmixed stock corporation scarcely could give a tenure more secure. However much this may be expected in the case of absolute stock control, in that of a mutual company it proceeds from a flagrant disregard of the law of its being. . . . It is of the first importance that officers should realize their direct responsibility to those whom they represent and rely for their con-

tinuance in office upon proved efficiency and not upon practical inability of the policy holders to depose them."

After considerable further discussion the committee then says:

"The laws should provide:

(1) For an accessible list of policy holders.

(2) For the nomination of candidates representing the administration.

(3) For independent nominations whenever desired.

(4) For the circulation by the company of ballots containing names of all candidates.

(5) For the cancellation of existing proxies.

(6) For voting either in person, by mail or by proxy, but for the limitation of the life of proxies to two months preceding a given election.

"It is believed that such a plan will promote a just conservatism and the continuance in office of efficient administrators while affording the fullest opportunity for the expression of the wishes of the policy holders whenever there is reasonable ground to believe that a change of management is advisable for the protection of their interests."

After summarizing the existing laws regarding investments the report continues: "Despite these restrictions the testimony taken by the committee discloses flagrant abuses in connection with investments in real estate. Under the guise of procuring suitable accommodations for the transaction of business excessive amounts have been expended in the acquisition of land and buildings not necessary in any proper sense for the uses of the corporation, which yield a poor return upon the amount expended. Only by successive reductions of the book value have the companies been able to show earnings equal to those demanded by the law regulating their reserves. These reductions of book value, in order to exhibit a given rate of income, while important for the purpose of avoiding an overrating of assets, frequently tend to obscure the large sums which have either been lost or rendered unproductive. The committee recommends that the annual statements of insurance corporations should be required to show not only the value at which the properties are carried upon the books and the claimed market value, but the actual cost in each case, together with the gross and net income received therefrom."

The committee further recommends that additional purchases in many of the cases allowed by law be subject to the "consent of the

superintendent of insurance upon his finding that the acquisition is necessary."

The committee finds that the liberality of the legal provisions with regard to investments "has tempted life insurance companies to engage indirectly in enterprises foreign to the purposes of their organization. Through the control of subsidiary corporations, by means of stock ownership some have practically transacted the business of banks and trust companies. . . . In addition to the investments in stocks, insurance corporations have placed millions of dollars at the disposal of other companies through the maintenance of inactive deposit accounts at low rates of interest. . . . Purchases have been made, not for investment but for re-sale, and the large companies have freely furnished their support to numerous financial ventures through participation in the underwriting syndicates. . . . It has been sought to justify this course of business upon the ground that in the main it has proved profitable. . . . The dangerous tendencies of these practices are obvious. They have brought insurance companies into close relations with railroads, banks, trust companies, banking houses and the flotation of new enterprises, thus involving them in the manifold transactions of the financial world, not in their normal relation as creditors through suitable investments, but as co-owners of the corporations and promoters of the undertakings to which they have thus become allied. They have weakened the sense of official responsibility, multiplying the opportunities for gains, both direct and indirect, to officers and directors through the use of the company's funds, and making easy the exercise of official discretion at the promptings of self-interest."

Summarizing, the report says: "The committee recommends that the law as to investments in securities may be amended so as to provide:

(1) That no investment in the stock of any corporation shall be permitted, except in public stocks of municipal corporations.

(2) That investments in bonds secured to the extent of more than one-third the value of the entire security therefor by the hypothecation of corporate stocks shall be prohibited.

(3) That no loans shall be made upon stocks or bonds which are not the subject of purchase under the above provisions.

(4) That every company now owning stocks or bonds of the prohibited classes shall be required to dispose of the same within five years.

(5) The statute should also forbid all syndicate participations, transactions for purchase and sale on joint account, and the making of any agreement providing that the company shall withhold from sale for any time or subject to the discretion of others, any securities which it may own or acquire.

(6) It should also be provided that no officer or director should be pecuniarily interested either as principal, co-principal, agent or beneficiary in any purchase, sale or loan made by the corporation, except in case of a loan upon his policy.

"Contributions by insurance corporations for political purposes should be strictly forbidden. . . . The devious methods taken to conceal the payments of this sort are confessions of their illicit character."

On lobbying, the report says: "Nothing disclosed by the investigation deserves more serious attention than the systematic efforts of the large insurance companies to control a large part of the legislation of the state. They have been organized into an offensive and defensive alliance to procure or prevent the passage of laws affecting not only insurance, but a great variety of important interests to which, through subsidiary companies or through the connections of their officers, they have become related. Their operations have extended beyond the state, and the country has been divided into districts so that each company might perform conveniently its share of the work. Enormous sums have been expended in a surreptitious manner. Irregular accounts have been kept to correct the payments for which proper vouchers have not been required. This course of conduct has created a widespread conviction that large portions of this money have been dishonestly used. . . .

"The committee recommends that the law be so amended that every person retained or employed for compensation as counsel or agent to promote or oppose the passage of bills or resolutions by either house or executive approval of such measures shall before entering upon the service file in the office of the secretary of state a writing stating the name or names of his employer, together with a brief description of the legislative matter with reference to which the service is to be rendered. . . . Fees contingent upon legislative action should be prohibited. It should also be made the duty of every corporation and association doing business in the state within two months after the adjournment of the legislature to file with the secretary of state an itemized statement duly verified showing in detail all expenses paid or incurred in connection with

legislation pending at the last session, including all disbursements or compensations paid or payable to counsel or agents.

"It is deemed unwise to limit salaries by statute, but it should be provided that all salaries of officers and the compensation of any other person receiving over a certain amount, say $5,000, in any year, should be fixed by the board of directors and not by any committee thereof, or by any executive officer, and should be reported in the annual statement to the superintendent of insurance.

"And, as already indicated, provision should be made for the authorization of all expenditures and for proper vouchers in all cases. Vouchers for legal and other services should set forth the services rendered. Pensions to officers, directors and the members of their families should be prohibited. The evidence, however, makes it clear that the most wasteful expense lies in the amount paid for new business. . . . Some limitation of the expense in getting new business is imperatively required; otherwise there is little reason to doubt that there will be a continuance of the present extravagant methods."

The Armstrong Committee recommended an elaborate system of publicity and state supervision. "The insurance companies should report annually to the superintendent of insurance: the property owned, loans of all kinds and security, commissions paid, legal expenses, compensation of officers, bank balances, death claims resisted profits and losses, dividends, reserve and surplus funds."

Public Service Commission

In another field of corporation activity the governor of New York has promoted preventive and protective legislation:*

"Proper means for the regulation of the operations of railroad corporations should be supplied. For want of it pernicious favoritism has been practiced. Secret rebates have been allowed, and there have been unjust discriminations in rates and in furnishing facilities for transportation. Those who have sought to monopolize trade have thus been enabled to crush competition and to grow in wealth and power by crowding out their rivals who have been deprived of access to markets upon equal terms. These abuses are not to be tolerated. Congress has legislated upon the subject with reference to interstate commerce, where naturally the evil has been most

* Message of Gov. Hughes to the Legislature, Jan. 2, 1907, recommending the passage of a Public Service Commissions Law.

prominent. But domestic commerce must be regulated by the state, and the state should exercise the power to secure impartial treatment to shippers and the maintenance of reasonable rates. There is also need of regulation and strict supervision to ensure adequate service and due regard for the convenience and safety of the public."

Referring to the board of railroad commissioners the governor shows that their powers are inadequate, that there was lack of precision in the definition of the powers of the board, absence of suitable means to compel compliance with its decisions, no penalties provided for disobedience of its orders and no power to institute legal proceedings to enforce obedience. The opinion is expressed that the commission of gas and electricity is a supernumerary. "I therefore recommend that the present board of railroad commissioners and the commission of gas and electricity be abolished and that a new commission be constituted, with powers of regulation and supervision, within constitutional limits, of the corporations now subject to the existing commissions. . . .

"Its powers should be clearly defined and should embrace the power to act upon its own initiative as well as upon complaint; to pass upon the issue of stocks and bonds; to examine properties, books and accounts; to require detailed reports in prescribed form; to prescribe reasonable rates; to require adequate and impartial service; to provide for the safety of employes and for the protection of the public; and generally to direct whatever may be necessary or proper to safeguard the public interests and to secure the fulfilment of the public obligations of the corporations under its supervision. Provision should be made for suitable inspection so that the commission may be advised as to all matters within its purview and be in a position to take action in behalf of the people without the formal institution of proceedings by complainants. A prescribed quorum should be entitled to decide all questions, and any one commissioner should be empowered to make examinations and investigations, and the proceedings and decisions of one, when approved by the board, should stand as its proceedings and decisions.

"The corporation guilty of disobedience to its orders, and all officers and other persons responsible for such disobedience, should be visited with appropriate penalties. The commission should also be entitled to institute legal proceedings for the enforcement of its orders, and all such proceedings should be expedited by suitable preference in all the courts of the state."

This recent law of a great state represents up to date the judg-

ment of experts in respect to the chief abuses of commercial power and the means most promising to be employed in repressing and especially in preventing such abuses. The fundamental idea is that a commission representing the whole people will carefully watch and protect all interests, without partiality, of stockholders, merchants, travelers, and all others. The provisions of the law reveal in detail what observation and special investigation have shown to be real dangers and wrongs which are sure to occur unless prevented by appropriate social action.

The following pages are taken in substance from a book on Public Service Commission laws by Wm. M. Ivins and Herbert Delavan Mason.* The Public Service Commissions Law was passed as a result of the recommendations of Gov. Hughes, embodied in his message to the legislature January 2, 1907, and was signed by him June 6, 1907. The scope of the law, intended to control powerful corporations in the public interest and prevent wrong-doing by supervision and publicity, is indicated in the paragraphs selected.

Section 2, Article I, defines exhaustively and inclusively the terms corporation, street railroad, railroad, common carrier, gas corporation and others. Section 3, Article I, divides the state into two public service districts. Section 4, Article I, provides for a public service commission for each district to possess all the powers "necessary to carry out the purpose of this act." The commission of each district is made to consist of five members appointed by the governor, by and with the advice of the senate. Power is given to the governor to discharge any commissioner for inefficiency, neglect of duty, or misconduct in office.

Section 5, Article I, defines the jurisdiction of commissions, as covering railroads and street railroads, common carriers, gas companies, and similar corporations.

Section 19, Article I, confers upon the commission the power to examine witnesses and makes refusal to answer except for reasonable cause a misdemeanor.

Section 20, Article I, says: "And in all investigations, inquiries or hearings the commission, or a commissioner, shall not be bound to the technical rules of evidence. No person shall be excused from testifying or from producing any books or papers in any investigation or inquiry by or upon any hearing before a commission or any commissioner, when ordered to do so by the commission, upon the

* Ivins and Mason: The Control of Public Utilities, in the form of an Annotation of The Public Service Commission Law of the State of New York. Baker Voorhis and Co., 1908.

ground that the testimony or evidence, books or documents required of him may tend to incriminate him or subject him to penalty or forfeiture, but for or on account of any act, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence; Provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed as in any manner giving, unto any corporation immunity of any kind."

Section 22, Article I, provides for rehearing of cases, but says: "An application for such a rehearing shall not excuse any common carrier, railroad corporation or street railroad corporation from complying with or obeying any order or any requirement of any order of the commission, or operate in any manner to stay or postpone the enforcement thereof except as the commission may by order direct."

Section 25, Article II, requires of corporations safe and adequate service; just and reasonable charges. "All charges made and demanded, etc., shall be just and reasonable and not more than allowed by law or by order of the commission."

Section 28, Article II. "Every common carrier shall file with the commission having jurisdiction and shall print and keep open to public inspection schedules showing the rates, fares and charges for the transportation of passengers and property within the state."

Section 30, Article II, paragraph 2, reads: "Every common carrier shall file with the commission sworn copies of every contract, agreement or arrangement with any other common carrier relating in any way to the transportation of passengers, property or freight."

Section 31, Article II. "No common carrier shall directly or indirectly, by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered in the transportation of passengers, freight or property, except as authorized in this act, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service in the transportation of a like kind of traffic under the same or substantially similar circumstances and conditions."

Section 32, Article II. "No common carrier shall make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular descrip-

tion of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever.

"No railroad corporation or street railroad corporation, domestic or foreign, shall hereafter purchase or acquire, take or hold, any part of the capital stock of any railroad corporation or street railroad corporation or other common carrier organized or existing under or by virtue of the laws of this state, unless authorized so to do by the commission empowered by this act to give such consent; and save where stock shall be transferred or held for the purpose of collateral security only with the consent of the commission empowered by this act to give such consent, no stock corporation of any description, domestic or foreign, other than a railroad corporation or street railroad corporation, shall purchase or acquire, take or hold, more than ten per centum of the total capital stock issued by any railroad corporation or street railroad corporation or other common carrier organized or existing under or by virtue of the laws of this state. . . . Provided, however, that the commission shall have no power to authorize the capitalization of any franchise or the right to own, operate or enjoy any franchise whatsoever in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise or right. Nor shall the capital stock of a corporation formed by the merger or consolidation of two or more other corporations, exceed the sum of the capital stock of the corporations so consolidated, at the par value thereof, or such sum and any additional sum actually paid in cash, nor shall any contract for consolidation or lease be capitalized in the stock of any corporation whatever; nor shall any corporation hereafter issue any bonds against or as a lien upon any contract for consolidation or merger."

The remainder of the act relates to the powers of the commission in respect to gas and electric corporations. The general powers of the commission as relates to these companies are the supervision as to wires and conduits, etc., as to methods of manufacture and supply, as to standards of purity and efficiency, as to uniform system of accounts, methods of conducting business, as to annual reports, power to inspect plants, etc. Ample police power and provision for publicity are granted.

Prosecution of Fraud by Executives of National and State Governments

Under our constitutions it is the duty of the executives,—presidents and governors,—to see that the interests of the people are not injured, and they are clothed with authority to make investigations and bring transgressors before the judicial bodies for trial and punishment. Many of the abuses of power are already punishable under the ancient common law and no new legislation is needed. Fraud and robbery are not changed in their essential character merely by the fact that billions of money are involved instead of the price of a cheap lodging or a loaf of bread.

It is very commonly believed and often asserted that riches can purchase immunity from penalties, but this is not quite true. Gold does still, as in Shakespeare's time, buy out justice and make its lance pointless; but not always, as may be seen in the social ruin of many bankers and other rich men who have ruined their confiding clients by dishonesty. When men in high social and financial positions are thus punished their fall is terrible and exemplary. The fear of exposure and trial has driven many a man to suicide rather than confront witnesses in open court. With men of this class fines have less deterrent force than incarceration.

Having a desire to know as exactly as possible whether the common belief that rich criminals escape the penitentiary has a basis in fact, letters of inquiry were sent to many wardens of the United States. The following replies were received; but no safe generalization can be made from them:

"I will state that during the four years I have been here, not one rich man has been committed to our care, though it may be said that a very few were well-to-do. At present the financial condition of our convicts is quite the reverse."—Harry K. W. Scott, Warden New Hampshire State Prison.

"We have no criminals in this institution who, in the accepted sense of the term, would be considered rich."—William H. Moyer, Warden United States Penitentiary, Atlanta, Ga., May 1, 1908.

"You ask for statistics of rich criminals or rich convicts (and a good many rich *criminals* are not *convicts*). Ever since I received your letter, I have been figuring over our lists, which cover about 6500 prisoners, received since this institution was opened as a United States Penitentiary, and I fail to find *rich* men among them. C.—— was said to be worth about $700,000 when he came here; but the

suits instituted against him by the government have caused that money, I understand, to disappear, so that he is now worth nothing. I recall no other case of a man who might be termed *rich* when he was received into the prison. We have a prisoner here now who is probably worth fifteen or twenty thousand dollars in land, who was sent here convicted of peonage." — R. W. McClaughry, Warden United States Penitentiary, Leavenworth, Kansas, May 1, 1908.

Mr. McClaughry says that there are a few Indian prisoners worth from three to fifteen thousand dollars. He also says that the rich and poor receive identical treatment in the prison.

"We have no rich convicts in our midst."—W. S. Lovell, Superintendent Vermont State Prison.

"We have no means of finding out a man's financial condition when he reaches the penitentiary."—E. B. Watson, Warden Louisiana State Penitentiary.

"We have not a single rich convict in this prison."—Arthur Pratt, Warden Utah State Prison.

"We have only one man that could be called rich, and his wealth is only estimated at about ten thousand dollars."—John W. Snook, Warden Idaho State Penitentiary.

"After going over our list, we find there are none whom we would call rich—in fact, none who are well-to-do."—J. E. Matthews, Warden West Virginia Penitentiary.

"I beg to advise that there are no prisoners in this institution that could be classed as 'rich.'"—James D. Reid, Warden Indiana State Prison.

"Out of a population of 603 only one is known to have real estate and money in the bank. We have, however, in the neighborhood of from 450 to 500 who have accounts on the prison ledger here of from five cents up to $125."—Melvin O. Fry, Clerk Connecticut State Prison.

"We are unable to give you the exact number of rich prisoners in this institution. We pay no attention to their wealth, although we have a number of professional men, bankers, etc. . . . However, in cases where a man's education and ability can be used to advantage, he is generally given a clerkship or similar position. . . . Aside from this he receives the same prison fare, and is subject to the same rules as the more ignorant who are employed on contracts." —James E. Kersey, Keeper New Jersey State Prison.

"We have no figures from which statistics of this nature could be compiled, and as to the standard which would decide whether

a convict was rich or not, I am not informed."—Henry Andrae, Warden Missouri State Penitentiary.

"At this time I cannot recall that we have any one in this prison who could be classed as wealthy. We have two bankers in prison, but they are not men of any means. Some few years back we had four other bankers in custody here, but none of them were wealthy."—Jas. B. Smith, Warden Southern Illinois Penitentiary.

"The total number confined today is 1322. To my knowledge not one of them is a man of wealth, neither can I think of writing of anyone who could be even considered a man of moderate means."—Frank D. Cole, Warden Clinton Prison, New York.

"There are very few, if any, confined here at this time who would be classed as *rich* in the modern construction of the word."—John C. Wenger, Acting Warden Michigan State Prison.

"There are only six men in this institution out of 460 men who have any wealth, and further, whose parents have any wealth."—J. C. Sanders, Warden Iowa State Penitentiary.

"I am unable to give you any statistics showing the conviction of those possessed of wealth as compared with those without means."—E. J. Murphy, Warden Illinois State Penitentiary.

"I have no means of knowing the amount of money prisoners are worth. Out of a population of 725 I do not think there are more than three or four that are worth over $3000."—Henry Town, Warden, Waupun, Wisconsin.

"Relative to rich convicts in this prison, I wish to advise that they receive the same treatment as those who have not been so fortunate as to accumulate wealth. Our percentage of criminals in the state of Wyoming is indeed small,—we having a little over 200 now in confinement,—but I assure you that there is no partiality shown a man simply because he is endowed with wealth. The laws of our state deal with all men on the merits of the case and those found guilty and sentenced to punishment are all on a parity."—Fred Hillenbrand, Warden Wyoming State Penitentiary.

"Of 1617 convicts whom I have had in charge in this institution since April 1st, 1903, not one could be classed as really rich. There have been only a few, possibly two or three of this number, who could have been classed as well-to-do, worth somewhere from forty thousand to sixty thousand dollars. . . . If I am correct, the rich men of this state do not commit crime, or else, if they do, they are able to avoid conviction for their misdeeds."—C. W. James, Superintendent Oregon State Penitentiary.

"After a general review of our population, I would say that we had from forty to fifty prisoners . . . who could be classed as possessing sufficient financial standing at least to have enabled them to secure the very best of service in way of defense and assistance in escaping punishment. Under the laws of this country, where guilt has been fairly established, the rich as well as the poor have been obliged to suffer the penalties imposed by our statute for their respective crimes." —George W. Benham, Warden Auburn Prison, New York.

"We have no *rich* convicts at this prison. I am of the opinion that the *rich* ones are never convicted."—T. E. Durham, Assistant Superintendent Rusk Penitentiary, Texas.

Federal Supervision of National Banks

Confidence in the integrity and efficiency of private banks which enjoy, in a high measure, the guaranty of the general government, is a vital factor in commercial security. These banks have almost universally had public confidence, although they have at times suffered. The measures for averting dishonest management have been often discussed. Some of the most recent aspects of the problem are presented by a representative of the government.

Comptroller of the Currency, Lawrence O. Murray, in an address before the American Bankers' Association in Chicago, said:*

"Examiners had gone on for years working in the same district, conferring with nobody, each following his own methods of examination, often faulty and crude, and knowing nothing of a borrower's standing and little of the value of securities, except what they learned in banks in districts to which they were assigned. An examiner cannot make a reliable estimate of the value of the assets which he finds unless he has a broader basis of information than he will be able to get by going around and examining only certain banks.

"One of the first things to which I gave attention was the relation of the bank examiners to the banks. An investigation of this matter showed that some of the bank examiners were stockholders; many of them were borrowers; some of them were officers in corporations which borrowed money from the banks which they themselves were examining; others were officers or directors of national banks; and some were officers or directors of state banks.

"For the first time, therefore, since the National Bank Act

*From the Chicago *Tribune*, Sept. 15, 1909.

went into effect, forty-six years ago, there is not an examiner in the service today who owes a national bank a dollar; there is not an examiner in the service who owns a share of stock in any one of the seven thousand national banks; there is not an examiner in the service who is an officer or director of any corporation which follows any business except examining banks, and there is not a man in the service who is not giving his best energy, his best thought and his individual attention to his work. . . .

"I come now to the question of directoral control, and I approach it with no inclination to controversy. The director of a bank who poses before the people as the trusted custodian of their funds and who is using his trusteeship for the purpose solely of personal gain, who is recklessly speculating with the people's money by borrowing unwarranted sums upon insufficient security, is the greatest menace to the safety of the banking system today. The elimination of this type of director from control of banking institutions and the fostering of a keener sense of responsibility among a certain class of bank directors of the duties of their high office is being attempted by me through all the means at my command.

"The reasons for my determination to make an effort to stimulate directoral control were two: First, a national commission is now making a study of the entire banking situation in this country. And, as in the present banking law the duties of directors are not specifically set out, it seemed well to ascertain definitely just how the seven thousand banking corporations chartered by the government are internally managed by the board of directors; so that if in the new law it seems wise for Congress to specify in detail what the duties of directors shall be, it will have the statistics as to just how the banks are managed at the present time. And, secondly, I desired to find out just how the banks are managed, so that, with no additional legislation at all, bad conditions may be remedied by good, effective administration. And I can say to you now that I firmly believe before the end of the year every bank will comply with this reasonable request."

Commenting on Comptroller Murray's address the Chicago *Record-Herald*, of September 16, 1909, says: "Mr. Murray's platform is as conservative as it is broad. It is an anti-fraud, anti-gambling, anti-trickery, anti-ignorance and anti-sham platform. It seeks to make banks strong and safe by making directors responsible and aware of their responsibility; by discouraging loose and flighty methods; by having examiners who are fit for their function and who

have sufficient independence and courage to perform it; by securing co-operation between national and state examiners and between the official supervision and clearing-houses; by enforcing the provisions of the banking laws and issuing timely warnings against dangerous tendencies—such as the paying of too high rates on deposits, relying too much on Wall Street 'business,' etc.

"The discussion of guaranties of deposits, postal banks, etc., will continue, and time will record its results. While waiting, learning, debating various questions, bankers, depositors, business men, reformers should unite in upholding the comptroller's office in the 'administrative' reforms he is efficiently and quietly introducing. A gratifying instance of such support is the adoption of resolutions by the State Supervisors' Association endorsing the comptroller's suggestion in regard to co-operation in examinations, condemning excessive interest on deposits and favoring segregation of savings accounts by commercial banks. All such things illustrate the great possibilities of improvement by good management and administration."

Pure Food and Drug Laws

We have in these laws a fine example of the preventive influence of legislation to meet a specific and serious wrong from which society has greatly suffered. It was long known by a few persons and suspected by many that articles of food and medicine were adulterated, that meats were prepared for consumption under unwholesome conditions for both operatives and consumers, that food products in cans and glass were marked with titles calculated to mislead, and that medicines were sold to the public under names which deceived customers and imperilled health. The public waited long enough to be convinced that the disease would not cure itself, and that positive action was necessary to prevent injustice and fraud and to save life. The competition between manufacturers and traders, so far from helping the public, tended to increase the harm done. The individual customer was helpless.

The formation of a definite standard for public opinion was necessary, and in this work of pure science the Department of Agriculture and the American Medical Association rendered important service. It was necessary to offer to the public convincing and reliable witness to the fact that the adulteration of food, drinks and medicine was actually carried on; that it was a physical and an economic wrong; that it deprived buyers of property without

equivalent and sometimes injured health; that even honest manufacturers and traders were tempted beyond measure by unscrupulous competition to act a lie with every sale, and to live daily in an atmosphere of misrepresentation and fraud, and, worse still, to justify and defend their conduct and so deepen the debasing influence of vicious customs; and that workmen and subordinate salesmen were made parties to the fraud and so suffered in character and were in training to be public enemies.

The investigations of impartial scientific men in laboratories, free from trade influences, was the necessary starting point. Such books as Upton Sinclair's crude novel, The Jungle, popularized the fragments of information discovered by visitors to places where meat was prepared for market. With much exaggeration there was foundation in fact for much of the indictment, as was shown by subsequent zeal in improving the conditions.

Then came legislation and better organization of inspection. The discussions in Congress compelled public thought and gave wide publicity to the facts. The new laws made it possible for honest men to meet competition of the dishonest, since no goods could be sold which did not come up to a certain standard. That conduct, which had already been plainly anti-social, now was declared to be criminal; and even good churchmen who had been quite willing to put false labels on canned goods while it was merely sin, hesitated and then turned virtuous out of necessity when exactly the same deeds were called crimes. The law alone would be powerless; it must be administered, and the President of the Union was a man who infused into every department of administration his will to make law a real force. States and cities reinforced their laws, ordinances and administrative machinery and co-operated with the government in preventing wrongs against the public health.

Under authority of a federal law enacted June 30, 1906, regulations were adopted for the inspection of meats used in interstate commerce, a summary of which follows:

"All slaughtering, packing, meat canning, salting, rendering, or similar establishments whose meats or meat food products, in whole or in part, enter into interstate or foreign commerce, shall have inspection under these regulations unless exempted from inspection by the Secretary of Agriculture. Only farmers or retail butchers or retail dealers supplying their customers are exempt from inspection under the law, but they are not exempt from the penalties provided against those who shall offer for sale or transportation, for

interstate or foreign commerce, products that are diseased, or unwholesome.

"The Secretary of Agriculture will designate an inspector to take charge of the inspection at each establishment where inspection is maintained, and will detail to said inspector such assistants as may be necessary to carry on properly the work of inspection and supervision at said establishment. For the purpose of enforcing the law and regulations the inspector and all employes under his direction shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment."

The provisions for proper sanitation are:

(a) Ceilings, sidewalls, pillars, partitions, etc., shall be frequently whitewashed or painted, or, where this is impracticable, they shall, when necessary, be washed, scraped, or otherwise rendered sanitary. Where floors or other parts of the building, or tables or other parts of the equipment, are so old or in such condition that they cannot be readily made sanitary, they shall be removed and replaced by suitable materials or otherwise put in a condition acceptable to the inspector in charge. All floors upon which meats are piled during the process of curing shall be so constructed that they can be kept in a clean and sanitary condition and such meats shall also be kept clean.

(b) For the daily cleaning of all utensils, if used.

(c) That the outer clothing of those who handle the goods must be kept clean.

(d) That all toilet rooms, urinals, etc., shall be separate from the rooms in which carcasses are dressed or meats or meat food products are cured. These must also be modern and sanitary. Managers are made responsible for the cleanliness of the employes.

(e) The rooms or compartments in which meats or meat food products are prepared, stored, packed or otherwise handled shall be lighted and ventilated in a manner acceptable to the inspector in charge and shall be so located that odors from toilet rooms, catch-basins, curing departments, tank rooms, hide cellars, etc., do not permeate them. All rooms shall be provided with cuspidors, which employes who expectorate shall be required to use.

(f) Persons affected with tuberculosis or any other communicable disease shall not be knowingly employed in any department of establishments where carcasses are dressed, meats handled, or meat products prepared, and any employe suspected of being so affected shall be so reported by the inspector in charge to the manager of the establishment and to the Chief of the Bureau of Animal Industry.

(g) That the fattening of hogs on the refuse of slaughter houses shall not be permitted on the premises where inspection is maintained, and no use incompatible with proper sanitation shall be made of any part of the premises. Yards, pens, alleys, etc., shall be maintained in a sanitary condition.

(h) Applies rules of sanitation to butchers who handle meats. Their hands are to be kept clean, their instruments sterilized, etc. Separate trucks are to be used for handling diseased carcasses and parts of carcasses. Following the slaughter of a diseased animal a stop shall be made until all instruments have been cleaned and disinfected or duplicates provided.

(i) That meat and meat food products intended for rendering into edible products must be prevented from falling to the floor, while being emptied into the tanks, by the use of some device such as a metal funnel.

Regulation 18 provides for tanks and tanking of condemned parts, and that United States inspection shall be withdrawn from any establishment refusing to follow directions. It provides that not even odors or fumes from condemned product shall reach the rooms in which food stuffs are dressed.

A large number of rules follow with regard to labels, tags, bands. One feature of the labeling and affixing of tags is that they are to be done by an employe of the Department. The markings must be large, legible, no false or deceptive names must be used and, except as provided in these regulations, no reference to United States inspection shall appear on any meat or food product or the container thereof.

Then before being admitted into any cooling, canning, sausage or other department of an establishment, also before being packed for shipment, and at such other times as may be deemed necessary, all dressed carcasses or parts thereof which shall have been previously inspected and passed shall be inspected by an inspector or his assistants, etc.

Regulation 46 reads: "It shall be a misdemeanor, punishable by fine and imprisonment, for any person, firm or corporation, or officer, agent or employe thereof, to forge, counterfeit, simulate or falsely represent or without proper authority to use, fail to use, or detach, or knowingly or wrongfully to alter, deface or destroy, or to fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for by law or by these regulations, on any carcasses, parts of carcasses, or the food product, or

the containers thereof, or wrongfully to use, deface or destroy any certificate provided for by law or these regulations."

BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE AND LABOR

Closely related to the federal regulation of drugs and food is the federal control of standards and weights and measures. Just conduct is impossible in the strict sense without an exact and authoritative standard of trade. Therefore, the scientific and precise fixation of such standards is a means of preventing dishonesty as a personal habit and as a social custom.

A conference of 1907 drew up a set of laws both for national and state purposes, and Congress will be asked to act upon a new draft of this proposed law. The draft of 1907 is based upon the principle of making the standards tested and approved at Washington as general as possible throughout the Union. The Secretary of Commerce and Labor would be authorized to furnish a complete set of standard weights and measures adopted or accepted by the National Bureau of Standards to any state, territory and the District of Columbia under certain conditions which would secure uniformity of administration everywhere; as, that the office of state commissioner be established, equipment furnished and local dealers be compelled to use the standard weights and measures.

S. W. Stratton, director of the Bureau of Standards, Department of Commerce and Labor, in a letter dated February 26, 1909, says:

"It seems to us apparent that necessity for the rigorous enforcement of the use of honest weights and measures as a means of reducing frauds and other crimes is so manifest that it needs no argument, not only as it compels the dishonest merchant to be honest, but it also makes it possible for his competitor, who would like to give full weight and measure, to do so. As the case now stands, the man who would like to be honest is compelled to sell short weight and measure in order to meet the competition of the merchant who knowingly and willingly uses fraudulent weights and measures."

The aims of this branch of the federal government have been interpreted by a popular magazine:*

"The Bureau of Standards, also of the Department of Commerce and Labor, stands in much the same relation to the manufacturers as

* Stowe, Lyman Beecher: The Government as a Teacher. *The Outlook*, April 17, 1909.

does the Department of Agriculture to the farmers. . . . In order to specify, for example, what kind of paint you want, and to make sure that you get it, you must know its ingredients. This bureau investigates all manner of materials, finds of what they are made, and then provides definite specifications to all branches of the federal government, to the state and municipal authorities; and, on the payment of cost fees, to the various arts and trades. Every weight, measure, or other standard is accurate or inaccurate in relation to a constant. The bureau establishes these constants in every department of the arts and trades.

"A good many years ago the federal government, realizing the necessity for uniformity and accuracy, distributed to the state governments uniform sets of the more ordinary weights and measures and standards. To take charge of them the states appointed sealers, superintendents of weights and measures, and in some instances custodians. Except in Massachusetts and Rhode Island, where competent officers were appointed, these sealers were usually state officials whose time was already fully occupied, who were without any preparation for the discharge of this scientific office, who received little or no extra salary for the extra duty, and who generally looked upon it as a nominal matter." Since the conference on weights and measures an awakening has occurred. States are taking practical steps to apply their standards. "New York has followed the good example of Massachusetts and Rhode Island in appointing a separate official, and a scientist, as state superintendent of weights and measures. . . . Before New York had a superintendent of weights and measures, it was the custom of some enterprising manufacturers of milk bottles in Massachusetts to sell their undersized bottles, known in the trade as 'shorts,' to New York dairymen. These dairymen, so far from being innocent dupes, specifically ordered 'shorts,' and indignantly returned any full-measure bottles which chanced to slip into their orders. It was the discovery by the bureau of standards of this and many similar frauds which led New York to appoint this superintendent, and which will undoubtedly lead many other states to take such precaution."

The first Conference on Weights and Measures of the United States was held at the Bureau of Standards, Washington, D. C., January 16 and 17, 1905. At that conference Dr. S. W. Stratton, director, said: "The Bureau of Standards is the successor of the Office of Weights and Measures, which formerly existed in the United States Coast and Geodetic Survey. One of the largest and most

important branches of the bureau's work is the section of weights and measures. This section has charge of the fundamental standards of length, mass, and volume, and compares with these standards the working standards of states, educational and scientific institutions, manufacturers and others, but has no control over local laws and regulations pertaining to the inspection or use of commercial weights and measures. Nevertheless local authorities are continually coming to us for advice in such matters and consequently the bureau has made a study of the subject, both in this country and abroad, has devised apparatus for the use of local officials, and has placed these designs in the hands of manufacturers."

In 1906 a second conference on weights and measures was held, and the annual conference is now an established institution. The reasons for making the conference regular are suggested in the letter sent to the governors of the several states, parts of which are as follows: "The object of these meetings . . . is to improve conditions affecting commercial weights and measures. The functions of the Bureau of Standards include the construction and verification of state standard weights and measures, but the use of these standards for the regulation of commercial weights and measures is a function which has been largely left to the state and municipal authorities, and in the exercise of which the Bureau of Standards is ready to assist. It is evident from the number of convictions for the use of dishonest weights and measures in localities where rigid inspection is maintained that the amount of fraud in states and cities where there is no inspection must be enormous; and, unfortunately, the loss usually falls upon those too poor or unintelligent to protect themselves.

"The bureau was led to take up this matter by the increasing number of inquiries received from the citizens of every state in regard to weights and measures, matters which could only be properly attended to by local inspectors. It is believed the free interchange of views and experiences will result in the passage of a federal law applicable to all the states, or in the enactment of uniform laws by the separate states. At the first meeting held at the bureau . . . facts were brought out which showed that almost all the states have laws concerning standards and commercial weights and measures, but only a few have the necessary provisions for their enforcement."

No federal law such as is suggested above has yet been adopted in this country.

Public Ownership and Management

The proposal to secure control by the community of public utilities by public ownership and management has been urged with increasing frequency and effect in recent years. The cities, despairing of securing pure and cheap water by reliance on private companies have bought them out where they had a franchise and have almost universally constructed municipal water works. The problems of ownership in case of lighting, electrical power, and transportation are more difficult, and public opinion is divided.

The friends of public ownership urge that political corruption is inevitable where a city council has the power to deal with powerful private corporations in giving franchises. Many of the most shameful failures of city government can be traced to this source. Certainly the temptation is great and men have yielded.

To diminish the peril it has been proposed to make the granting of a valuable franchise dependent on a referendum or popular vote, since it would be impossible for the richest corporation to bribe the voters of a whole city. The plan of actual public ownership is regarded by most business men as a last resort when all methods of private ownership for some reason fail. There is, however, a very large and influential body of citizens who advocate municipal and state direction of public utilities on principle and who urge that corruption both of business and politics is inevitably bound up with present arrangements. We seek here not to argue the controversy, but to treat the patent facts objectively so far as they bear on our theme.

In the great West and Southwest the plunder of common lands and resources was so alarming and the danger of the future collision of interests so manifest that Congress has of recent years authorized a vast policy of federal intervention in regard to irrigation works. Without such intervention it seemed possible for private corporations to gain possession of the streams and reservoirs near their mountain sources and practically hold the farmers of the lower plains as their vassals and dependents. Already this had been done in particular instances. There was even danger of clashing between states, because the mountain sources of water were sometimes in one state while the plains to be irrigated were largely in another. Only federal law could mediate and avoid collision otherwise inevitable. The far-reaching policy actually adopted promises, if well administered, to

avert a large number of causes of individual injustice and of general revolt and friction.

In the same direction and on the same grounds the federal government has adopted a vigorous and wise policy of protecting forests and mining lands from selfish exploitation by private interests. In the United States vast and powerful corporations have been formed; occasionally they have set at defiance both public opinion and law; but no *imperium in imperio* exists; the government, which alone represents all the people, always in the end prevails.

IV

PREVENTION OF PROSTITUTION, ALCOHOLISM, DRUG HABITS

THERE is a physical basis for all the evils of this order. It would have been possible to treat them all in Chapters I and II; but it is more logical to deal with them apart and in a chapter devoted to them alone. These "social evils" are not inherited, in the strict biological sense, and they are not merely effects of external conditions. They are essentially personal habits connected with social customs and the malign associations of social groups; and they create social institutions which secure toleration, recognition and political influence, and thus react upon personal character with enormous power. Vicious associations tend to crime; the places of vice are hot beds of anti-social ideas, the haunts of lawbreakers.

The criminal class is held together by mutual admiration; men and women are supported, incited, encouraged by the public opinion of their intimate companions; for others they care little. They become insensible to what "good society" thinks of them; indeed, they make a boast of defying the moral judgments of respectable people. As they are outcasts, rejected and despised by the majority of their fellow men, they return hate for scorn and justify themselves in their course. The only possible way of rescuing a man or woman from this sinking group is to detach the individual and set him on solid ground. This is not an easy task, and men are turning their attention more to methods of preventing the young from being enticed into this labyrinth of degrading influences from which so few find a way of escape and none come back without some degree of loss in body and soul.

PREVENTIVE MEASURES IN RELATION TO PROSTITUTION

It is not difficult to establish the causal connections between prostitution and crime. Both are phenomena of the same social world. Of course, there are young men who venture into this peril-

ous world and recover themselves, though never without scars and stains and some harm to character. For women it is much more difficult to escape from the maelstrom; some are rescued, but with still worse effects on body and soul.

The criminal influence of association with prostitutes is due to their low character and ideals, to the immoral atmosphere of their surroundings, to the loss of self-respect which follows sensual gratification in their company, to the degradation caused by the consciousness of having helped to debase women, and to familiarity of the morally undeveloped youth with adventurous spirits encountered in the criminal underworld. The physical effects of debauch, both sexual and alcoholic, must be added to the enumeration of deleterious forces which urge toward anti-social conduct. Every man who visits a house of ill fame is more or less conscious that he is helping to sustain an illegal occupation, that he is aiding the enemies of society, that he makes himself a partner of panders, that he is setting at defiance the counsels and the wishes of all persons whose respect he should value. This attitude of defiance is itself precursor of other lawless actions unless changed by reason and reflection.

Legal and Administrative Measures

The theory of American laws, so far as one can be said to exist, is that prostitution is a crime. The seduction of a girl is punished if she is too young to be supposed capable of understanding her peril and disgrace. In the technical language of the law her seducer is punished if she is under the "age of consent." The tendency of American public opinion and of recent legislation is to raise the "age of consent."

According to the common law of England a female becomes a woman at twelve years. Until 1885 the age of consent in Great Britain was the end of the twelfth year. As the laws of the United States are based on the English statutes, in the original states the age of consent was held to be twelve years. In one or two of them, however, it was fixed as low as seven years. Owing to this condition efforts were put forth in several states to raise the age of consent to a point where greater maturity would provide greater protection. This movement has become general, and in nearly every state the age of consent has been raised to sixteen or eighteen years, and in Wyoming to twenty-one. The greater number have placed the age at sixteen, and in some of these states it is not likely to be raised

higher, as in them a girl is allowed to marry at that age without the consent of her parents; and legislatures are not inclined to raise the age of consent above this level. According to a careful canvass, the age of consent in each of the different states is as follows:

Ten years: Georgia, Mississippi.

Fourteen years: Alabama, Missouri, Nevada, North Carolina, South Carolina, Virginia, West Virginia.

Fifteen years: Texas.

Sixteen years: Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont.

Eighteen years: Colorado, Delaware, Florida, Idaho, Kansas, Nebraska, New York, North Dakota, Tennessee, Utah, Washington, Wisconsin, The District of Columbia and territories under government control.

Twenty-one years: Wyoming.

Two states, Alabama and Delaware, have followed the method of making the punishment more severe when the female is under ten or twelve years, and lighter between the age of fourteen and sixteen years. One state (Georgia) is reported to have no statute which exactly covers the case. It is greatly to be desired that those states in which the age limit is below sixteen shall speedily raise it to sixteen or, better, eighteen years.

In all states of the union "bastardy laws" are in force; the *recherche de la paternité* is universal, at least in legal theory. Marriage being voluntary in essence, the law does not insist upon "specific performance" of a contract to marry the woman or girl betrayed; but the father of the illegitimate child, if the woman is not a harlot, is bound to pay something toward the support of the unmarried mother and her child. This legislation is believed to have a tendency to deter men from acts of seduction. On the other hand, the life of a harlot, the keeping of houses of assignation and the renting of buildings for such immoral purposes are all brought under the penal code.

It follows from what has been said that so long as public opinion remains what it is, the business of prostitution can never be made in any sense legal; it cannot be openly recognized as legitimate; it cannot be licensed; it cannot in any way secure legal standing before the courts; the wages of the harlot cannot be collected by suit at law; the landlord who rents a house for such purposes is liable to

prosecution. Any attempt to introduce such laws as those which are in force in some countries of Continental Europe would ruin the social and political career of any legislature. Only in one or two brief periods has a city entered upon a policy of this kind. It would be a public disgrace even to advocate such a law.

This may be taken as the general American position. A committee appointed by the Medical Society of the County of New York, after study of the social evil and methods of preventing the spread of venereal diseases, made the following report of conclusions, November 25, 1901. Referring to state regulation of vice as employed in Paris, the report says: "Further consideration of this system might be dismissed on the ground that whatever may be its value, public opinion forbids its introduction in this country. Sentimental objections should not, however, be allowed too much weight in the discussion of purely sanitary schemes. It is the high mission of the medical profession to educate and direct public opinion in all sanitary matters. . . . The fatal defect of this system is to consider public or professional prostitutes the almost exclusive sources of contagion, when, as a matter of fact, they constitute only a small minority. . . . Not ten per cent of the public women can by any police intervention be collected, and of these about one-fifth annually disappear and become clandestine prostitutes. Regulation cannot be effectively applied against the large body of private or clandestine prostitutes; it cannot reach the great mass of masculine spreaders of contagion."

The report further states that the medical examinations are of necessity inadequate and the shortness of the stay in the hospitals is notoriously insignificant. It is also believed by the committee that public sentiment will not tolerate segregation in a specified quarter of the city, with the understanding that in this locality the vice may go unchecked. Public sentiment is extremely sensitive to anything like legal recognition or sanction of this evil, and it is impossible to approach the boundaries of toleration without entering the confines of authorization.

In the opinion of the committee, education and treatment comprise the most promising remedial measures which are immediately available and which all interested in hygienic work, the repression and control of the effects of prostitution, will approve. The committee holds that education should begin with the medical profession, requiring the study of venereal diseases as an integral and essential part of medical education. Young men should be taught

that venereal disease is almost inseparable from a life of vice, and entails ill-health, which often comes on its victim years after the follies of youth are past. The physician should correct the tradition that gonorrhœa is a trivial affair, easily cured and leaving no permanent results. He should also combat the dangerous theory that sexual indulgence is necessary to health. "All medical men as well as all moralists who have studied this question," says the report, "look upon the promotion of masculine chastity as among the most powerful means of checking prostitution."

When we take up the facts concerning the administration of the law we at once confront the most contradictory and confusing phenomena. It is difficult even for well-informed Americans to disentangle the perplexing threads of this situation. Yet our task compels us to attempt to explain it.

The vast majority of "good people" either do not know anything about prostitution or they affect ignorance. The public newspapers, the chief organs of information, are forbidden by public sentiment from dealing with the subject except by way of vague allusion which only adepts understand. The preachers cannot discuss the subject before their mixed audiences. The popular magazines cannot give to the subject thorough and enlightening discussion. The result is that there is no general knowledge of the facts and, consequently, no unified and enlightened conviction on which a sound and consistent policy can be based in a country where legislation to be permanent and effective must express the general belief.

The police and certain physicians are the only persons who know the facts; and their general bias is toward exaggeration. The physicians are prevented from using their expert information either to guide the public or to influence the administration of law. The police alone confront the evil; and they alone must act. There is the law which declares the conduct of the prostitute to be criminal and the keeping or renting of a house of assignation to be criminal. Yet the police know that it is almost impossible to secure legal evidence for the conviction of most of those who lead immoral lives; they know that the evil is deeply rooted in the passions and habits of many men, some of them having powerful political influence; they know that to arrest and punish a poor girl for earning her living in the only way open to her at present involves cruelty unspeakable, especially as the punishment has no tendency whatever to keep her from future wrong or help her to reform; they know that the trial and punishment will harden many girls still more; they know that fines will be paid by

paramours and employers; they know that to raid the houses of ill fame in a quarter abandoned to prostitution will merely scatter the harlots in secret places in tenements and decent residence districts.

They know that the police stations, the jails, houses of correction and refuges for reform, both public and private, are already crowded, and that a general raid in one night would overwhelm courts and institutions. Those who are conducting the schools and reformatories also know that the tax-paying public cannot be induced to provide half enough institutions for the reformatory treatment of the girls whom police and courts are even now ready to send them.

Some of the consequences of this distracting and conflicting condition must be noted. The police are occasionally urged to raid the houses of ill fame and arrest the inmates, men and women, and bring them before the criminal courts. Associations of preachers and clubs of women sometimes unite in this demand, and the newspapers raise the cry that the police are not enforcing the law, that disorderly houses are notoriously open without interference. Urged by the transient gust of public righteousness the police make a large number of arrests to show, or make the righteous believe, that they are not in collusion with the criminal class. They fill the lock-ups and courts with the arrested persons and the judges fine them, mysterious middlemen acting as bondsmen and paying the fines. The storm of holiness soon spends its fury and the evil goes on as before, only it breaks over the bounds of the district already abandoned by decent families and invades residence districts crowded with innocent children and immature youth.

The evil goes deeper still. The law as it now stands is a direct temptation to the police force; it practically invites them to sell immunity from occasional arrest to the houses of ill fame for a bribe. Sometimes policemen, sergeants, captains and magistrates have yielded to this temptation and some have grown rich out of these bargains with harlots and keepers of brothels. Justice is traded off for private gain; but the fund must pay tribute to persons in power. Then the vicious circle is complete, and the social evil has communicated its virus to the highest centers of political influence. Law is made contemptible in the sight of the lawless.

The stranger who would know the actual facts about administration of the police will not discover them in any public documents, in laws, in municipal ordinances, in votes of councils, or in any official instructions accessible to the public. But the newspaper reporters about the courts and public offices are acquainted with the situation

and a few candid policemen will tell the truth in hours of confidence. And the general facts are these, where there is not actual corruption and partnership in vice:

The chiefs of police, quietly supported by the mayors and influential heads of departments, usually try to restrain prostitutes from soliciting men in public streets; they generally exercise some degree of supervision of low dance halls, drinking places and questionable theatres where assignations are made; and they attempt to confine the houses of ill fame to certain quarters of the city, unless they are driven against their judgment to the raids already mentioned. In a few instances this policy of segregation has been officially recognized by act of the municipal council; but it is illogical, because it is a crime for any landlord to rent a house anywhere for such a purpose.

In the meantime, and in the total absence of any consistent system, some legal and administrative measures have been taken which have some value.

FEDERAL INTERVENTION. THE "WHITE SLAVE TRAFFIC"

The demand for prostitution is increased by the supply. Prevention, therefore, must seek to restrict the supply of tempters. One source of supply is the immigration of prostitutes under contracts, an evil which has engaged the interest of various civilized nations. The federal law is explicit.

"In accordance with the provision of the law forbidding the admission of anarchists, prostitutes, procurers of prostitutes or persons otherwise similarly immoral, the duty of excluding such immigrants has been constantly impressed on the immigration officials, and special effort has been made to secure the co-operation of municipal officials in apprehending and deporting aliens of this class who have entered this country contrary to law. A large measure of success has attended these efforts; specifically, many prosecutions have been brought against procurers and keepers of houses of ill fame and fourteen convictions secured.

"There is need of amendment of the laws. First, the limit of three years during which the government may proceed against this class should be removed. Obviously the fact that one has escaped detection for three years ought not to operate to outlaw the offense. Also the law should render possible the deportation of any alien who within three years after landing shall be convicted of or shall admit

having committed a felony or other crime or misdemeanor involving moral turpitude, the deportation to take place at the expiration of such term of imprisonment as may be imposed. Probably by an unfortunate oversight, the law forbids the importation of "alien" immoral women. The word alien should be stricken out. . . .

"In addition to the last suggestion, if an alien prostitute or procurer once deported from the United States shall return, that act should be made a felony, punishable by imprisonment and at the expiration of the term the alien should again be deported." *

Under this federal law the federal courts in various cities have convicted and punished several malefactors engaged in this nefarious business.

The United States is a party to the international arrangement for the suppression of the white slave traffic, which was adopted by the delegation at the Paris Conference July 25, 1902, and formally confirmed by the various European governments represented at Paris, May 18, 1904. This arrangement after being submitted to the Senate was proclaimed by President Roosevelt, June 15, 1908. The Commissioner General of Immigration has been designated as the authority to centralize information and to correspond with similar services by other states.

The *Philanthropist* for October, 1908, quotes the following extracts from the international agreement: "Each of the governments undertakes to have a watch kept, especially in railway stations, ports of embarkation, and en route, for persons in charge of women and children and girls destined for an immoral life. With this object, instructions shall be given to officials and other qualified persons to obtain, within legal limits, all information likely to lead to the detection of criminal traffic. The arrival of persons who clearly appear to be the principals, accomplices in, or victims of, such traffic shall be notified when it occurs, either to the authorities of the place of destination, or to the diplomatic or consular agents interested, or to any other competent authorities." A further agreement is that the contracting governments "undertake, within legal limits, to exercise supervision, as far as possible, over the offices or agencies engaged in finding employment for women or girls abroad."

The connection between the social evil and bureaus of employment in our large cities is described with painful accuracy from

* Concerning morally unfit aliens, the report of the Commissioner General of Immigration, June 1, 1908, p. 17, gives a quotation from the report of the Secretary of Commerce and Labor for 1908.

direct personal observation by Frances A. Kellor in her book Out of Work:*

"But the . . . business methods and the frauds pale into insignificance beside conscious deliberate immorality of many offices and the traps they set for unwary and helpless victims. Of these the honest employer knows but little and the employe recalls many escapes. The bare fact is that while advertising honest work and while furnishing it to some, many also degrade, debase and ruin others and later cast them out moral and physical wrecks. Not only are they robbed of their small savings, herded like animals, and subjected to many indignities by proprietors, but they must submit to association with and temptation by street walkers and immoral men. Not only must they lodge under conditions which rob them of their self-respect, but unsuspectingly they are sold into disreputable houses and held as prisoners.

"Not all offices are engaged in this work, though with few exceptions they are careless in making inquiries where girls are sent. Figures can only be approximate, but it is no exaggeration to say that in New York, Philadelphia, and Chicago about 75 per cent are not averse to sending women as employes to questionable places, and from 40 to 60 per cent send them as inmates, obtaining their consent when possible.

"This chapter is in no sense of the word intended as a contribution to the subject of dealing with the social evil, whether it shall be regulated, exterminated, licensed, tolerated, or whether it is necessary or otherwise. Its sole purpose is to show one source of supply—places where unwilling recruits are secured; and to insist that some methods are unfair and that some offices are sailing under false colors. Even granting that neither regulation nor segregation will affect the demand, one thing is certain; increase the risk and the majority of such offices will retrench their work or go out of business, for they will do nothing that will not pay—and honest, ignorant and helpless girls will be much better protected, for disreputable houses cannot so readily reach women who are penniless, friendless, and discouraged—the time when such proposals are most favorably received."

The details given by Miss Kellor are painful and startling in the extreme, but must be read in her interesting volume.

The federal and local authorities have been stimulated and assisted by the activities of reform societies, voluntary associations. Citizens should be acquainted with the more important organizations

* Kellor, Frances, A.: Out of Work. New York, G. P. Putmam's Sons, 1904. The Social Evil in New York City, by the Committee of Fourteen, 1910.

working on behalf of social purity. These organizations have grown rapidly in numbers and in power during the past decade as the public is becoming more intelligent. An article in the new Encyclopedia of Social Reform, by Dr. Bliss, gives some information. Some of the more important organizations are here mentioned.

In Europe there is a National Federation for the Abolition of State Regulation of Vice. Its headquarters are at Geneva, Switzerland, and it has committees in various countries. This federation publishes sixteen different periodicals in seven different languages. The British Committee has its office at 17 Tothill Street, Westminster, S. W. London, England. The secretary is Mr. Maurice Gregory, and the organ of that office is called *The Shield*. The International Bureau for the Suppression of the White Slave Traffic has for its secretary Mr. William Alexander Cotte, with offices at St. Mary's Chambers, 161-A Strand, London, W. C. This bureau has a committee known as a National Vigilance Committee with a branch in the United States. Dr. O. Edward Janney of Baltimore is the chairman of this committee in this country, and state associations have been formed. The White Cross Society, established by the Bishop of Durham, England, in 1883, and taken up in this country by Rev. B. F. DeCosta, D. D., should be mentioned. The principal purposes of this organization are, First, to urge upon men the obligation of personal purity; second, to raise the level of public opinion upon public morality; third, to secure proper legislation in connection with morality. The New England Watch and Ward Society, having as its secretary Mr. J. Frank Chase, Boston, Mass., is one of the oldest societies in this country. It combats obscene literature, gambling and vice. The New York Association for the Suppression of Vice, led by Mr. Anthony Comstock, devotes its efforts chiefly against obscene literature and degrading instruments of vice.

The American Society of Sanitary and Moral Prophylaxis seeks to limit the spread of diseases which have their origin in the social evil. It was founded by the eminent physician, Dr. Prince A. Morrow, of New York City. A society with similar purposes is established in Chicago—the Chicago Society of Social Hygiene, and Milwaukee has a Society for Sanitary and Moral Education. There are several others. All work largely through publications. The Women's Christian Temperance Union; the Young Women's and Young Men's Christian Associations; the King's Daughters; the National Council of Women; the Congress of Mothers; many women's clubs and various law and order societies in our cities have undertaken this crusade. In most

of the large cities may be found the rescue missions of the Catholic church and of other denominations of Christians, and the Florence Crittenden missions. The Health Education League at 113 Devonshire Street, Boston, Mass., publishes as No. 16 in the "Health Education Series" a little circular on sexual hygiene, by a member of the Massachusetts Medical Society. This league is doing excellent work.

The first gun fired in this movement was a paper on the Prophylaxis of Venereal Diseases in New York City, read before the Medical Society of the County of New York, February, 1899. This was followed by the report of the Committee of Seven, New York, in December, 1901. An effort was made to organize a society for the study and prevention of venereal diseases in this country, but it met with neither medical nor lay support. The book entitled Social Diseases and Marriage was written in 1903 largely with a view to creating a professional sentiment in favor of this work. This was followed by a Plea for the Organization of a Society of Sanitary and Moral Prophylaxis, read before the New York County Medical Society in May, 1904. Finally, after months of personal solicitation the following named gentlemen united in a call for a meeting, February 8, 1905, to discuss the wisdom and expediency of forming a society for the prevention of social diseases: Dr. Stephen Smith, Dr. Edward L. Keyes, Dr. George B. Fowler, Dr. L. Bolton Bangs, Dr. Edward L. Janeway, and Dr. Abraham Jacobi.

Dr. O. Edward Janney is quoted in the *Philanthropist*, April, 1908, as stating the object of the National Vigilance Committee as follows:

(1) To break up the international white slave traffic by attacking its sources.

(2) To act as auxiliary to the United States government, and as an ally to similar organizations in foreign countries, thus completing the organization of the civilized world.

(3) To stimulate the formation of associations in all of our cities to warn and protect the girls and women, and to improve local conditions.

(4) To co-operate with all associations whose work is in harmony with ours, and to constitute for them a center of information, suggestion, and assistance.

(5) To investigate charges of wrong-doing to girls and women; to care for them; to see that the offenders are punished.

The American Purity Alliance has for its object the repression of vice, the prevention of its regulation by the state, the better pro-

tection of the young, the rescue of the fallen, the extension of the White Cross among men, and to maintain the law of purity as equally binding on men and women.*

Prostitutes Under Probation, New York City

Miss Maude E. Miner, Probation Officer of the Magistrates' Courts, in *The Survey*, May 8, 1909, writes of Two Weeks in the Night Court. She gives a vivid picture of recent methods of dealing with wayward girls.

"Each night there came into the Night Court some new, some old offenders, most of them guilty of soliciting on the streets or of prostitution in tenement houses. Of the 262 women of the street arrested from March 16 to 31, and arraigned in the Night Court before Judge Cornell, 104 were sent to the workhouse, seven to Bedford Reformatory, 34 were fined, 64 discharged with a reprimand, 37 discharged for lack of evidence, and 16 placed on probation. Careful inquiry was made about every girl by the judge or probation officer, and when a woman showed any real desire to leave the wretched life and go to work, the opportunity was offered to her. . . . Investigation is absolutely essential if these girls are to be helped. When they are arraigned in court they give false names, false addresses, and do not tell the truth about family and friends. They have not sufficient confidence at first to entrust their stories to any one—they are afraid they will be disgraced at home, or, if they are under the spell of a wretched man who is living on their earnings of prostitution, that their lives will be endangered. . . .

"During the two weeks which this article covers thirty of the younger and less hardened offenders were thus paroled to go voluntarily to the home of the New York Probation Association at 165 West 10th Street, known as Waverly House. When we have visited the place where the girl has been living, have learned when and where she last worked at honest employment, and have seen the relatives and friends who are most interested to help her, we are in better position to know what is best for her, and the report of the probation officer aids the judge in imposing sentence.

"It neither helps nor punishes a woman to impose a fine upon her for prostitution. If it is a small sum, two or three dollars, she

* Percy Russell, Secretary, 400 West 23d Street, New York City. [See Bliss: Encyclopedia of Social Reform.

pays it and often laughs as she leaves the court room. If it is five or ten dollars, she is sometimes obliged to send to the disorderly hotels she frequents to get the money, but it is always forthcoming, if she is a regular patron of any Raines Law Hotel. . . .

"Although it is commonly recognized that the workhouse does not in the least aid in reforming a girl, the workhouse sentence does act as a deterrent in keeping the women from the streets. 'They know what they can do when they want the streets clean,' said one girl who had served one term at the workhouse. 'Commit us all for six months every time they catch us.' Under the cumulative sentence a girl remains at the workhouse five days the first time, twenty days the next, forty the third, and so on; the fifth time it is six months. If the woman wishes to continue her immoral life, many times she prefers to serve the five or twenty days' sentence and then be free to return to the streets rather than have a probation officer supervising her conduct for six months.

"When a woman needs a longer period of training. . . . the magistrate is justified in committing her to the state reformatory at Bedford. Although the commitment is for three years, many are paroled before that term is completed and are supervised by the parole officer of the institution for the balance of the period. Even though found guilty, the magistrate sometimes discharges a woman when she promises to return to her home, to leave the city, or to take up honest work. . . . The probation officer is willing to help her. . . .

"Probation is of help to the younger girls and those who have been leading immoral lives but a short time. It means that a chance is given them outside of a reformatory institution. . . . Those who have been at Waverly House feel free to return to it at any time they are out of work or in need of help. Some ask to be allowed to report there instead of reporting at the court."

This request is sometimes granted. The writer then tells the antecedents of the sixteen girls who were placed on probation during the period under discussion.

"Eight were born in the United States, and eight were born in the following countries: Sweden, Spain, Austria, Germany, Ireland, England, Russia. Five of these women have had children, two are caring for them at the present time, and two are pregnant."

Among the reasons given for their prostitution are the following: Desertion by men who had promised to marry them, influence of older prostitutes, influence of 'cadets,' lack of money to pay for

food and lodging, lack of work, low wage, dangerous work, and desire for good clothes.

"The cadets who live on the proceeds of prostitution are responsible for much of the tremendous wreckage of human life that we learn of in the courts. These are the men whom we must convict if we are to help the girls and prevent others from entering a life of shame."

The following account is given of one case: "When Bertha was arraigned in court she claimed she was twenty-one years of age, had never been arrested before or in any institution, that her parents were dead, and that she had no relatives. Later, when she decided to tell the truth and her story was investigated, I learned she was eighteen, had a father, mother, four sisters, and a brother in New York; that she had been arrested before and sent to an institution. After leaving the institution a 'cadet' had sent her to the streets and for six weeks before her arrest she had been soliciting. She told how he had followed her in the streets and refused to admit her to the room unless she slipped ten dollars under the door each night. 'Even us girls in the restaurant said how mean he treated Bertha and felt sorry for her,' said another girl who had taken pity on her. . . . 'He threatened to put a bullet through me or cut my face if I told, and I didn't dare to tell,' said Bertha. The man was convicted and sentenced to the workhouse for six months. It is most difficult to induce a girl to make a statement against the man, and not until she feels that we are willing to stand by her and protect her will she do this."

Miss Miner says that Waverly House has shown that girls and women may be helped if held for one or two days in a different environment while careful investigation of their stories is made, and it has shown the need of a detention home near the Night Court where a large number of women may be detained pending such investigation. A corps of probation officers is needed for this work; the finger-print system should be installed, medical examination of the subjects would indicate where mercy should be shown, and there should be greater uniformity of sentence.

The article concludes as follows: "The coming of the Night Court in New York City, through the efforts of Judge Charles S. Whitman, has practically done away with the professional bondsman evil in the station house, has granted the prisoner speedy justice, and has cut off some of the avenues of graft. It has at the same time, by bringing together in one court nearly all the women arrested for

prostitution in Manhattan and the Bronx, caused us to realize the necessity of working out a more rational method of dealing with offenders, has given us a new conception of the enormity of the social evil in our community, and has shown us that more must be done to cut off the sources of supply whence come recruits to the ranks of vice."

Educational Measures to Prevent Sexual Vice

The sexual appetite is natural and universal; it serves a purpose. But it must be regarded from the social standpoint in connection with the duty of having and caring for children, not from the selfish standpoint, as a mere means of fleshly gratification, with no moral or social object. This is the essential evil. The state must tolerate and control; it ought not to recognize prostitution in any way as legitimate. At best, law, police, government can do little more than affect the external conduct; they do not reach the springs of action, the habitual incentives, the active ideas, the personal motives, the spiritual valuations of satisfactions. Admitting all that may properly be claimed for the favorable reaction of even compulsory observance of decent requirements on the inner life, we must look to some influence far deeper and more pervasive for the ultimate self-regulation of life in accordance with the laws of social welfare and of the noblest life. This influence is education, and therefore we must turn from the medical profession and from the statesmen to that profession which deals with the character, the will, the moral nature in the most direct and persuasive way; we make our appeal to the school teachers, the parents, the spiritual counselors of children and youth.*

The societies of Moral Prophylaxis and of Social Hygiene, organized by physicians, are the most aggressive agencies now in the field to secure education with reference to sex; and their publications and lectures have reached a vast number of young men in colleges and in associations. The National Society for the Scientific Study of Education discussed the subject at its annual meeting, February, 1909.† As this large society represents the administration of city schools and state normal schools throughout the United States,we may properly expect results from this discussion, and already boards of education have taken up the matter for consideration.

* See Henderson, C. R.: Education With Reference to Sex.

† Education With Reference to Sex, Part II. University of Chicago Press, 1909. Bibliography.

There is abundant testimony to the fact that, at present, the entire subject is ignored by the public schools, and that a teacher who should attempt to introduce the topic in any effective way would lose his position, being regarded as dangerous to the morals of youth. In some of the schools the phenomena of sex are taught in connection with nature study, botany, zoölogy, and biology. But in general, nothing is accomplished of practical importance. Text-books on human physiology and hygiene leave the pupils in the dark on the subject of the beginnings of life and the perils of venereal disease.

The Young Men's Christian Associations have given considerable attention to education in relation to sex. They have quite often chosen competent physicians and physical directors who have spoken intelligently and wisely on this matter in classes and lectures and in connection with athletic exercises. But their constituency, while large, is limited, and does not often include the very poor or the workingmen.

The co-operation of certain magazines has been very important. Many of the women's clubs have taken up the matter with all seriousness of purpose, because medical advice has shown them that the future health and happiness of their daughters may be undermined by the continuance and spread of venereal diseases.

PREVENTIVE MEASURES RELATING TO ALCOHOLISM

The author of these pages has very definite and positive personal convictions on this subject, which in other places he has distinctly expressed. But this is not the occasion for urging an individual view. The purpose of this section is to present objectively, impartially, and accurately the present state of the temperance movement in the United States.

The International Prison Commission has kept this subject on its program for discussion for many years, and this fact alone would make such a discussion obligatory in a volume on methods of preventing crime.

"1. The Congress, impressed with the increasing progress of alcoholism, of which the principal cause is the consumption of non-rectified alcohols or artificially composed drinks, the influence of which manifests itself in the increase of crime, presents the opinion that to combat this scourge public authority and private associations should unite for preventive and therapeutic measures.

"2. Among the preventive measures the Congress recommends

on one side the regulation of drink houses, the limitation of their number, the introduction of hygienic drinks, the rectification of alcohols; and, on the other side, the organization and establishment of temperance leagues in institutions to influence the manners and habits of the inmates.

"3. In a therapeutic point of view each country should create inebriate asylums, in which labor should be organized, their number to be regulated by the inebriate population in each section.

"4. The admission to inebriate asylums should be regulated by the legislature, whether the inebriate himself applies for treatment, or has been convicted for misdemeanors incited by intoxication or because his habitual intoxication has become a peril to himself and the safety of others. The discharge from such asylums should also be regulated by law."*

The method here adopted is to present the various platforms in the language of representative advocates, and to give the data for opinions from the best available sources.

Medical statements on the effects of alcohol on health, efficiency, character, and adaptation to orderly social life demand serious consideration. The influence of the medical profession is a fundamental factor in the formation of public opinion and ultimately in the enactment of laws, because physicians are naturally respected as the chief experts in all that relates to bodily health. It is manifestly impossible to tabulate these opinions statistically; we can do no more than indicate the tendency of thought.

Some American lay opinions on effects of alcohol on crime follow:

"There is no doubt in my mind," says Judge Ben Lindsey, "that drink is responsible more than any one cause for the criminal careers of boys and girls. I use this term as applied to men and women who become addicted to intoxication and bad habits. The father through drink becomes a useless vagabond and deserts the family, leaving the poor mother to shoulder her double burden of home-maker and bread-winner. I say that one of the most alarming things we face in this country is the increasing indifference to the marriage and home tie on the part of the man, which indifference is caused in most cases by the bad habits of the men, who weaken their

* From Report of the Fifth International Prison Congress. United States Bureau of Education, 1907. Cf. Report of the Delegates of the United States to the Fifth International Prison Congress. Washington, Government Printing Office 1896, p. 56.

manhood and unfit themselves for the serious duties of home-making, child-rearing, and good citizenship. . . . I should say that the serious causes of crime in childhood are the result of bad parents and bad homes, or no parents and no homes, and some parents are even worse than no parents."

August Drahms, formerly Chaplain of San Quentin Prison, California, in his book, The Criminal, says:

"The decrease in the use of alcoholic drinks must ever remain the great aim of all anti-criminal legislation, as well as of moral and social reform. Intemperance is the chief source of crime both directly and indirectly. It affects alike the social, the habitual, and the congenital criminal. . . . The vital point and storm center is the saloon. It is hedged about by legal protection, backed by self-interest. Its solution, therefore, must be semi-political, under cover of law, and sustained by the power of associated public opinion. . . . Fortunately, the genius of our institutions is well adapted to handle the question through the fundamental theory of local self-government that lies at the basis of our political existence. In this fact lies the ultimate solution of the liquor problem, laying this, as it has other great problems of public welfare, finally at the door of municipal and local self-government to adjust.

"Of homicides in the United States, according to Census Bulletin No. 182 (Homicides in 1890), of 6378 first-offense homicides, 1282 were total abstainers, 3829 moderate drinkers, 1297 drunkards. California statistics reveal that of 1392 criminal transactions, in 437 of them liquor was the direct cause."

American investigations of the economic effects of alcoholism in the United States have shown interesting results:*

"The volume (Economic Aspects of the Liquor Traffic) is the result of investigations into the relations of the liquor problem, (1) to poverty, (2) to pauperism, (3) to the destitution and neglect of children, (4) to crime, (5) to the Negroes of the United States, (6) to the Indians of the United States, and (7) the result of studies of social aspects of the saloon in large cities." Summarizing:

Relations of the problem to poverty: "As final results of the investigation, we find that of the 29,923 cases reported, 18.46 per cent owed their poverty to personal use of liquor, 2.07 per cent to intemperate habits of one or both parents, 0.45 per cent to the intemperate habits of natural or legal guardians, and 7.39 per cent to the

* Koren, John: Economic Aspects of the Liquor Traffic, Committee of Fifty. Houghton, Mifflin and Co., 1899.

intemperate habits of others not parents or guardians. The general average percentage of poverty due directly or indirectly to drink is 25.06, with 6.03 per cent of the total of cases unaccounted for."

To pauperism: "We have found the general average percentage of pauperism due directly or indirectly to drink to be 37.05 per cent, with 5.23 per cent of the total number of cases unaccounted for."

To destitution of children: "As the general percentage of the destitution and neglect of children due to the liquor habits of their parents, we get 44.92, which, when the intemperance of guardians and others is added, increases to 45.83 per cent."

To crime: "In more than 32 per cent of the total number of cases, with about 16 per cent unaccounted for as to crime cause, intemperance contributed to a condition leading to crime in conjunction with one or two other causes, sometimes occurring in the first or again as the second or third cause."

"Intemperance holds the highest relative rank, with 16.87 per cent; that is to say, it is more frequently found as the single cause than the other two in question. Our statistics, therefore, point to the conclusion that intemperance is the one most prolific source of criminal condition, but that alone it helps to explain the downfall of but 16.87 per cent of 13,402 convicts. . . . Unfavorable environment and lack of industrial training are both responsible, when taken singly, for less than half as many cases as intemperance, but taken together, and where they are in combination, they were held to be the causes of the criminal condition of nearly twice as many of our convicts as intemperance itself."

In connection with the extent of the use of alcoholic beverages in the United States, the following estimate of the cost of alcoholic beverages has been made by the temperance party:*

"There is no way of securing official information which would give the exact amount of the drink bill in America, or rather the amount which is spent in the American saloon in a single year. The dilution of liquors by the retailer, the slot machine, and other like devices, the dice box, and the other instruments for gain which make up the average saloon outfit, do not publish reports. The sale of intoxicating liquor produces only a portion of the enormous waste of wealth for which the saloon is responsible. The official facts, however, given out by the Commissioner of Internal Revenue, form a basis upon which may be estimated the amount which the retailers of intoxicants receive each year for the sale of liquor alone. The most

* Anti-Saloon League Year Book, 1908.

conservative estimate would place the retail price of domestic spirits at 10 cents per drink, and 15 cents per drink for imported spirits, or $5.00 per gallon for domestic and $7.50 per gallon for imported.

"A gallon of beer measures out twelve very large glasses, which at a price of 5 cents per glass for domestic, means 60 cents per gallon, and at 7½ cents for imported, means 90 cents per gallon.

"An extremely conservative estimate for wines of all kinds would place the retail price of domestic wines at $1.50 per gallon and that of imported at $3.00 per gallon.

"The total number of liquor dealers of all classes, who paid the internal revenue tax to the United States government in 1907, according to the U. S. Commissioner of Internal Revenue, was 276,854.

"Hence we have the following table, which may be considered not only authentic, but most conservative:

AVERAGE INCOME OF A LIQUOR DEALER (1907)

Liquor Consumed. (From 1907 Record of Internal Revenue Commission)	*Gallons*	*Av. No. gallons sold by each liquor dealer*	*Retail price per gallon*	*Total average amount taken in by each liquor dealer for the year.*
Spirits (domestic)	* 149,818,683	541	$5.00	$2,705.00
Spirits (imported)	3,782,055	14	7.50	105.00
Malt liquors (domestic)	1,814,695,785	6,554	.60	3,932.40
Malt liquors (imported)	7,171,842	26	.90	23.40
Wines (domestic)	50,079,383	181	1.50	271.50
Wines (imported)	7,659,565	27	3.00	81.00
Total average amount taken in by each dealer for year				$7,118.30

"As a matter of fact, this average is entirely too low. All druggists and persons who, for any purpose, are compelled to pay internal revenue for selling liquors, are included in the 276,854. Probably not more than three-fourths, at most, of this number operate open saloons. If the exact facts could be ascertained, the average income from the sale of liquors alone for each regular saloon would probably not be less than $180 per week.

"Taking the table figures, we find that at the rate of $7,118.30 each, the 276,854 liquor dealers in the United States in 1907 received, in payment for drink, $1,970,728,828.20.

* According to the Internal Revenue Commission the dilution of spirits in 1907 by rectifiers amounted to 13,516,302 gallons, which is included in the above 149,818,683.

"It is therefore safe to say that, in round, conservative numbers, the United States drink bill for 1907 was not less than $2,000,000,000."

Turning to the legal aspects, the report of the Sub-committee on Legislative Aspects of the Drink Problem, Committee of Fifty, was prepared by Dr. Frederick H. Wines and Mr. John Koren. The report was the result of the investigation of the workings of the liquor laws of the following eight states: Maine, Massachusetts, Pennsylvania, South Carolina, Missouri, Iowa, Ohio, and Indiana.

"The results of the investigation and the inferences from it which the sub-committee laid before the Committee of Fifty include a consideration of prohibition, its successes, its failures, its concomitant evils, and its disputed effects; local option; the systems of licenses; licensing authorities; restrictions in the sale of liquors; druggists' licenses; and the effect of liquor legislation on politics.

"Prohibitory legislation has succeeded in abolishing and preventing the manufacture on a large scale of distilled and malt liquors within the areas covered by it. In districts where public sentiment has been strongly in its favor it has made it hard to obtain intoxicants, thereby removing temptation from the young and from persons disposed to alcoholic excesses. . . . But prohibitory legislation has failed to exclude intoxicants completely even from districts where public sentiment has been favorable. In districts where public sentiment has been adverse or strongly divided, the traffic in alcoholic beverages has been sometimes repressed or harassed, but never exterminated or rendered unprofitable. In Maine and Iowa there have always been counties and municipalities in complete and successful rebellion against the law. . . .

"There have been concomitant evils of prohibitory legislation. The efforts to enforce it . . . have had some unlooked-for effects on public respect for courts, judicial procedure, oaths, and law in general, and for officers of the law, legislators, and public servants. The public has seen law defied, a whole generation of habitual lawbreakers schooled in evasion and shamelessness, courts ineffective through fluctuations of policy, delays, perjuries, negligences, and other miscarriages of justice, officers of law double-faced and mercenary, legislators timid and insincere, candidates for office hypocritical and truckling, and office-holders unfaithful to pledges and to reasonable public expectation. Through an agitation which has always had a moral end, these immoralities have been developed and made conspicuous. . . .

"The main advantage of local option is that the same public opinion which determines the question of license or no license is at the back of all the local officials who administer the system decided upon.

"The facts about licenses and the methods of granting them are among the most important results of this study. There is general agreement that licenses should not be granted for more than one year. The Massachusetts limitation of the number of licenses by the population (1 license to 1,000 inhabitants, except in Boston, 1 to 500) has worked well, by reducing the number of saloons and making the keepers more law abiding; but the evidence does not justify the statement that it would work well everywhere. The Missouri restriction—no license within 500 feet of a public park and the Massachusetts restriction—no license within 400 feet of a school house, are both commendable. . . .

"County courts have been, and still are, common licensing authorities in the states reported on. Officials elected for short terms, like the mayor and aldermen of cities, make bad licensing authorities, for the reason that the liquor question thereby becomes a frequently recurring issue in municipal politics. . . .

"Every licensing authority should have power to revoke a license promptly, and should always have discretion to withhold a license, no matter how complete may be the compliance of the applicant with all preliminary conditions.

"The objections to using courts as licensing authorities are grave. In cities, licenses are large money-prizes, and whoever awards many of them year after year is more liable to the suspicion of yielding to improper influences than judges ordinarily are in the discharge of strictly judicial duties. . . .

"There are also grave inherent objections to the whole license system, when resting on the discretion of commissioners, which the experience of these eight states cannot be said to remove. No other element connected with a license does so much to throw the liquor traffic into politics. It compels the traffic to be in politics for self-protection. It makes of every licensing board a powerful political engine. A tax avoids this result, and is so far an improvement."

Point of View of Wine, Beer, and Spirit Merchants

It is nothing more than simple justice, in a work which seeks to be objective and scientific, and which deals with a subject in controversy, to present the view of a large party in the very language

of their chosen representatives. For this reason we insert here arguments and conclusions which have been published in America and form an essential element in the facts under review.

Mr. Hugh F. Fox* makes this statement: "That alcoholism is a serious evil, which like other social and physical evils is largely preventable and to some extent curable; that the facilities for the treatment of alcoholism are not adequate; and that the sale of liquors must be subject to public regulation, may be assumed.

"It is generally agreed by all trained students of government that the prohibition of the sale of such beverages has proved a failure. It is apparent that the majority of the consumers of alcoholic beverages are people of temperate habits. It is also believed that the trend is upward. The last report of the United States Brewers' Association recommends the improvement of the system of regulating the places where alcoholic beverages are sold, the encouragement of the sale of those that have the smallest amount of alcohol. The report claims that no city can exist without saloons, but that there are good and bad saloons, and that the average saloon is not disreputable. The proper solution is social control, license, under conditions that assure permanency to the business and make it to the advantage of the licensee to conduct a reputable business. Constant legislative tinkering reacts on the men who conduct the business. The best safeguard is the moral equipment of the men who frequent the saloon and those who manage it.

"An honest and thorough investigation of the saloons would prove that the majority of them are conducted in a decent and orderly manner, and occupy an important place in the common life of the people. I doubt if five per cent of the saloons are of a positively disreputable character."

A more recent statement is furnished by Mr. Fox for this volume: "The attitude of the brewers in regard to temperance and the 'saloon problem' was defined at the forty-eighth convention of the United States Brewers' Association, in June, 1908, by the adoption of the following declaration of principles:

> The United States Brewers' Association, in convention assembled, presents the following declaration of principles and declares its sympathy with, and offers its co-operation with, any movement looking to the promotion of habits of temperance in the use of fermented beverages. By temperance is meant temperate use—neither

* Fox, Hugh F.: The Saloon Problem. By the Secretary of the United States Brewers' Association, New York. In Annals of the American Academy of Political and Social Science, Nov., 1908.

abuse nor disuse. We believe that the temperate use of beer promotes health and happiness, which are the underlying conditions of morality and social order, and in this belief we are supported by the vast preponderance of educated as well as popular opinion all over the world.

Consistently with this belief we favor the passage and the enforcement of laws for the regulation of the drink traffic and for keeping such traffic free from unlawful and improper accessories, and we earnestly desire such improvement in the drinking habits of the people as will still further advance temperance, together with the spread of enlightenment as to the proper functions of drink, whereby the individual may be able to regulate his habits according to the requirements of wholesome living.

We realize that these declarations are contrary to what the public is being persistently told by those who are opposed to the use of alcoholic beverages, in regard to the attitude of the brewers towards the drink question, and especially towards the saloon.

For that reason we desire to make clear two important points:

First:—It is a mistake to believe that the commercial interest of the brewer stands back of the excessive multiplication of saloons or of any of the unlawful or improper practices resorted to by a small minority of saloon keepers to swell their incomes, such as keeping open after hours, selling to minors or drunkards, encouraging or tolerating gambling and the "social evil" in connection with their places, etc. We recognize that the amount of beer sold by such improper and unlawful practices is trifling, and is more than offset by the patronage of a place conducted according to law and the proprieties. We also recognize that the multiplication of saloons beyond the requirements of the market involves great expense which is by no means made up by additional sales of beer, and that the maintenance of saloons in residence neighborhoods where they are not desired by the residents, is neither profitable nor wise, as the antagonism created by their presence involves greater loss than the sales in such saloons could make good.

We are not, in this present statement, putting our arguments upon the basis of public spirit and consideration for morals or social order. While yielding to no class of citizens in cherishing these sentiments and considerations, and believing firmly that the temperate use of fermented beverages promotes both morality and social order, the purpose of this present statement is only to dispel the false impression that the commercial interest of the brewer is served by encouragement or conniving at lawlessness. We do not deny that keen competition has in the past led to a multiplication of saloons beyond the actual requirements of the market. In that respect our business does not differ from many other lines, some of which have been recently overhauled by legislation designed to eliminate the evils resulting from excessive competition. The existing evils, however, can be eradicated by action on the part of individuals in the trade only if they are aided and supported by

public sentiment and suitable laws, which will make it impossible for a small number of people who may not wish to abide by the concerted action of the majority of the trade, to make such action futile. The brewers are ready and anxious to do their share, to co-operate to the extent of their power in the work of eliminating abuses connected with the retail trade. While repudiating the charge that theirs is the chief responsibility for the existence of such abuses, they ask the co-operation of the public and of the proper authorities in the work of making the saloon what it ought to be, a place for wholesome refreshment and recreation.

Second:—The brewer is charged with being in politics and using political power for the purpose of influencing legislation, paralyzing executive action, and protecting the disorderly saloon. Such statements are grossly exaggerated. Rather, it is true that the existence of disorderly saloons is in many cases the work of a certain class of politicians who keep them alive for their own purposes and in opposition to the wishes of the brewers. With suitable laws properly enforced and backed by healthy public sentiment, such disorderly saloons could be exterminated and not only the community purified of objectionable places, but the brewing trade freed of an incubus which it is now struggling to shake off without such assistance. No one would hail such a consummation with greater satisfaction than the brewer.

If the brewers have been driven into politics, it is due to the intemperate attacks upon them along political lines, and we ask the public to bear in mind that self-preservation is a very elementary instinct. Whenever a spirit of genuine inquiry and rational betterment shall take the place of heedless persecution, aiming not at improvement, but at the extermination of our business,—and that is the object of both the Prohibition and the anti-saloon movements, the protestations of the anti-saloon men to the contrary notwithstanding,—the brewers will welcome it sympathetically and bring to all efforts at true progress the knowledge acquired from their practical acquaintance with the matter, and will, as brewers, gladly refrain from participation in politics.

The brewers are ready to be taken at their word. Already in many places they are engaged in active work for the purification of the retail trade. In some cases this is being done on their own initiative with the help of the constituted authorities; in other cases, they are co-operating while the authorities and certain volunteer organizations are leading; again, they are doing it in spite of the politicians and against the wishes of the so-called reformers. They are trying to do what is really and properly the work of the official representatives of the people.

While not denying a certain amount of heedless competition which our business has shared with many other lines—the realization of unfortunate and unlooked-for consequences having come home to us only within recent times—we turn with confidence to the fair-minded American public and ask it, in view of many practical

instances of our sincerity given in the face of great difficulties, to consider the statements above made, and to accept our assurance that the objectionable features of the retail liquor traffic do not rest upon, and are not backed, either by the commercial interest or by any supposed political power of the brewers, but that the elimination of such objectionable features is most earnestly desired by our trade, that we will lend our fullest co-operation towards their extinction, and that we invite the assistance of public officials and the people in general to that end.

This was clinched a year later by the newly elected president of the Association, Mr. Carl J. Hoster, who pledged himself to the support of the reform movement in the following statement:

"I pledge myself to the furtherance of the movement for the proper regulation of the saloon and for the separation of the saloon from all connection with disreputable practices. I stand for the licensing of saloons, from the standpoint of public convenience, with all the limitations that this implies; I believe that the license law should be liberal enough to meet the reasonable requirements of public convenience, and that a liberal law strictly enforced is far better than a rigid or narrow law liberally enforced. I believe that the license system should be such as to insure stability, and that the saloon should be so regulated as to put a premium upon its good conduct.

"Finally, I hold that the moderate use of beer as a beverage by normal adults should be encouraged, rather than suppressed. As a measure of true temperance, and in good faith to you and to the public, I promise to use every effort to further the extension of the brewing trade in this country."

During the past two years the brewers of the United States have made considerable progress in their efforts to rid the retail traffic of association with gambling and the social evil, and to prevent the sale of liquor to minors. The Texas brewers were pioneers in this movement, and by their united action accomplished great good, and gambling is no longer tolerated in the Texas saloons. The practice of gambling in the saloons is a survival of the frontier days of gold and silver mining, when draw-poker was often the sole recreation of the adventurous spirits who risked their lives as recklessly as their fortunes, and played with destiny against all kinds of odds. The saloon responded to their tastes just as every place of public entertainment caters to its patrons, and naturally enough it was the last of the rough pioneer institutions to be overtaken by the advance of civilization.

The Ohio Brewers' Association found it necessary two years ago to organize a vigilance bureau to eliminate abuses in the saloon business. When they first began operations, they were opposed not only by many members of the trade, but by the municipal authorities in many of the cities of the state. It was necessary for them to employ their own detectives, and through the evidence thus obtained, to force the hands of the local authorities in some cases, so as to break up the association of graft with illegal practices. Naturally enough, their good faith was questioned in some quarters, and they had to win their way to public confidence by their sincerity and success. Today their co-operation is welcomed from one end of the state to the other, and during the past year they have been instrumental in cleaning up or putting out of business five hundred objectionable resorts.

The Association of Indiana Brewers, encouraged by the success of the Ohio plan, have just started a vigilance bureau to work along the same lines. The secretary, Mr. J. R. Johnston, says:

"The brewers realize that they have made mistakes in the past, and that evils have grown up in the saloon business. These are the things that have aroused public sentiment to its present pitch in Indiana. The brewers realize also that these evils must be eradicated, and they have been eradicated in many places. I do not believe the sentiment of the people of Indiana is as strong against the liquor business as a whole as it is against that certain class of saloons which violates the law and which is conducted in a disreputable or disorderly manner. The liquor question is one thing, and the saloon question is another. I do not believe the people of Indiana want prohibition, but they do want the bad saloon wiped out. There are thousands of liberal-minded people in Indiana who oppose prohibition, but also oppose the law-breaking saloon. No one knows this better than the brewer.

"It became apparent that the brewers themselves would have to clean up the saloon business if it were cleaned up at all. That is why they have formed this vigilance bureau.

"It is the purpose to see that the saloon keeper does what his license says he may do, and nothing more. This bureau will hunt out the saloon keepers that violate the laws or conduct their places in such a way as to bring the business into disrepute. It will work in connection with the local officials or with any one else who has the same end in view. While the vigilance bureau is maintained by the brewers, it will not have any favorites among them. No brewer will

be treated any different from any other brewer. If the bureau finds a saloon keeper violating the law it will go after him, no matter whose beer he sells. Saloon keepers will all look alike to the bureau, and so will all of the brewers. Neither will it make any difference whether the beer sold by the saloon keeper is made by a member of the brewers' association or some other brewer. The effort will be to clean up the business in general, regardless of who may be hit in doing so.

"This work which we have undertaken is exactly along the line of what the people have been demanding, and the brewers feel that since they are starting in on this work they should have the support and the encouragement of the people.

"Similar work has been done on a smaller scale in Wisconsin, Michigan, New York state, and in a number of local places in other states. The root of the trouble in Ohio and New York state, and until recently in several other states, is the lack of proper licensing legislation, and provision for local discretion in the granting of licenses. For example, the saloon in Ohio is taxed, not licensed, and in the "wet" counties there is, therefore, no limitation as to the number of licenses that may be issued. In New York state the local authorities have absolutely no discretion in the granting of licenses, which are issued by the state to any man who can furnish bonds, and secure a certain number of signatures to his application. This, of course, has led to over-competition in the saloon business, with all the demoralization that this involves. The evil has been accentuated by the action of the legislature in licensing Sunday selling by makeshift hotels, instead of allowing the saloons in the large cities to open on Sunday during restricted hours. There has been no legitimate hotel business to warrant the maintenance of many of these places as hotels, and a number of them have resorted to disreputable practices for the purpose of covering their increased expenses. An effort is now being made by the brewers, in co-operation with civic reformers, to secure remedial legislation. In Ohio the brewers have recently made some progress by the passage of what is known as the "Dean Character Bill," which prescribes certain rules as to the eligibility of the saloon keeper, but this is only the first step in the direction of adequate licensing legislation.

"The United States Brewers' Association, which includes in its membership all of the principal brewers of the country, is bending its efforts to the standardizing of the whole system of saloon licenses. It stands for strong local control and regulation, and for the principle that saloons should be licensed primarily as a matter of social con-

venience, rather than of private interest. It is calling attention to the success of the Pennsylvania law, which has made the saloon an absolutely law-abiding institution, and to the fact that a material reduction in the number of saloons in many of our principal cities will improve the character, conduct, and stability of the saloon, without reducing the volume of the beer business.

"It is not the business of the brewers to try to inculcate morals, or to preach social salvation, any more than it is the affair of the railroads to teach people the decalogue. The brewers are concerned in the sale of beer, good honest beer, and it is a most unusual thing for any trade to be any more altruistic than the law allows. If the brewers go out of their way to police the retail trade, it must be primarily from motives of self-interest.

"The brewers feel that they are making what is truly a temperance beverage, and the only one that is adapted to popular use. American beers contain only from three to three and one-half per cent of alcohol, and the process of manufacture insures the healthfulness of the article, and its absolute freedom from any impurities."

Thus far the argument of the brewers.

Educational Measures

In circles of society where beer, wine, and even stronger alcoholic beverages are customarily used at table, in convivial assemblies, at banquets, and on other occasions, there is no need of propagandist movements. There are such circles in the United States. Indeed, the almost universal custom of former generations was based upon the belief that the moderate use of alcohol was at least beneficial to health, perhaps necessary to the highest vigor, and certainly a legitimate source of personal enjoyment. The European immigrants of all classes almost universally hold this belief and act upon it. Any interference with this custom they sincerely believe is an unjustifiable, bigoted, and irrational infringement of their civil rights, to be opposed by all possible legal means. Drunkenness, as a habit, is of course regarded as injurious to health and the cause of disturbance of social order and safety.

The philosophy of total abstinence is simple and clear. Alcohol, even in small doses, if taken as a regular beverage, is a poison and undermines the health and character of multitudes of individuals. The use of alcohol is legitimate only as a medicine, and that only on the careful prescription of a competent physician; its use even in

such cases is of doubtful propriety. The common use of alcoholic beverages presents temptations to youth and in a certain average number of cases each year destroys the health, the character and life of many who drink. From the ranks of the "moderate drinkers" is annually recruited the army of drunkards, vagabonds, and criminals who are an enormous expense and peril to the community. The only certain way to avoid the creation of this miserable class is to induce all men to abstain entirely from using beverages which contain any form or measure of alcohol.

It is this party which has been most zealous and successful in inducing legislatures to pass laws requiring school authorities to furnish systematic instruction in the public schools in regard to the injurious effects of alcohol; and this fact explains the strength and the weakness of the movement.

Scientific instruction in this subject is now required in the public schools of all our states and of the United States. A committee appointed in 1905 by the American Academy of Medicine to make a careful study of the text-books of physiology and hygiene, at the end of three years' study had this to say: "The subjects have been simplified until we have thirty-seven text-books, for elementary grades, reaching thirteen and one-half million children who go no further in the school. . . . The average proportion of hygiene is one-third of the modern text-book, a little more in elementary grades, and less in the high school. . . . Scientific progress is reflected not only in many details of accuracy of statements, but also in added teachings concerning cells, cerebral localization, and the nervous system; bacteria, communicable diseases, dust, antiseptics; inspection of schools, foods, and milk, common intoxicants and patent medicines."

Dr. Luther H. Gulick, formerly physical director of the schools of New York City, says: "During the past few years important contributions have been made to the fund of material bearing upon the effects of the use of alcohol. These contributions have come partly from scientific work in Germany, England, and America, partly from recent careful investigations concerning the interrelations of drink with crime and pauperism, and partly from practical anti-alcohol requirements on the part of large business corporations. The facts, so contributed, together with those more generally known, furnish a story of such exceptional vividness and power that in regard to scientific instruction on the subject of alcohol and narcotics we cannot but be faithful to the demands of school law in the various states."

The article then traces the influence of the teaching of the schools on this subject in several instances: A little Bohemian girl told her father that beer contained alcohol and that alcohol was a poison. The father consulted with the teacher, and as a result he and his family gave up beer. A wealthy wholesale liquor dealer had his two boys take oath before the priest that they would not touch a drop of liquor while in the liquor business. A Texas wine-grower said: "My boy is the smartest boy in Texas; but he says that the books say alcohol hurts the brain, that it unsteadies the nerves, that it affects the whole system, and he will not touch it." The writer assures the readers that such cases might be multiplied *ad infinitum.*

Dr. Lauder Brunton is credited with having proved that alcohol increases the reaction time, the time for discrimination and the time for decision, that it makes all the nervous processes slower, but at the same time has the curious effect of producing a kind of anesthesia, so that all these processes seem to the person himself to be quicker than usual, instead of being, as they really are, much slower. Martin's Human Body says that the results of the use of alcohol are as follows: "He who was prompt in the performance of duty begins to shirk that which was irksome, energy gives place to indifference, truthfulness to lying, integrity to dishonesty," etc. Such facts being learned by high-school boys, it is not surprising that the railroad financier will not employ drinking men in important positions where lives depend on clear sight and quick reaction; "that no railway, telegraph, telephone or factory manager is willing to entrust the management of costly equipment and the protection of hundreds of human lives to one who is addicted to the use of alcoholic liquors."

Many years ago the results of such teachings were recognized abroad, and to them the English press attributed the rank of the United States in the world's commerce. A general interest in the matter of health has grown out of this propaganda.*

Legal Control: State Prohibition

Many advocates of temperance have expected much from laws requiring venders of alcoholic beverages to pay to city or state a considerable sum for the privilege of selling liquor. It is hoped from

* Davis, Edith Smith: The Result of the Teaching of the Effect of Alcohol on the Human System. Annals of the American Academy of Political and Social Science, Nov., 1908.

this legislation that there will be fewer saloons; that each seller will be careful to obey the regulations imposed from fear that he will lose his license; and that those who pay heavy sums for license will help to enforce the law against those who refuse to pay or who violate the police and sanitary regulations.

The theory of the mulct system is that the state has no moral right to issue a license, but that on grounds of expediency and utility it may be best to burden the questionable business with financial weights in order to repress it as far as possible.

In many states there is a conflict between the views of urban and of rural populations. In cities the foreign immigrants are numerous and they resist prohibitory measures and render the laws nugatory; while in many agricultural regions the custom of drinking alcoholic beverages has been almost entirely given up and branded immoral. In view of this conflict the policy of "local option" has been adopted; the voters of a county or of some other political division are permitted to decide whether their district shall "go wet or dry," that is, shall permit or not permit the legal existence of saloons. The result has been to extend the area of the nation where the sale of liquor is unlawful.

The most radical policy of all is that represented by the political party called the Prohibitionists, who contend that, judged by its social effects, the business of selling alcoholic beverages is immoral, hurtful to mankind, and so dangerous to the common welfare that it should be made a punishable offense to offer alcohol for sale or to manufacture it for drink.

Connecticut passed a prohibitory law in 1854, but repealed it in 1872. The Maine prohibition law was enacted in 1851, repealed in 1856, re-enacted in 1858, made part of the constitution of the state in 1884. In Massachusetts a prohibition law was passed in 1852, revised in 1855, repealed in 1868, re-enacted in 1869, repealed in 1875. In 1855 New Hampshire passed a prohibitory law. In 1903 the legislature enacted a local option license provision by which all the towns are required to vote every two years at the November elections for or against license; the cities to vote once in four years. The prohibitory law of 1855 is retained in the cities and towns which vote against license.

"In 1883 Iowa passed a prohibitory amendment to the state Constitution, which was afterward held void by the state Supreme Court. After the court decision, the legislature passed a prohibitory law which was afterward amended by the provisions of the mulct

law, practically nullifying the prohibition law in any community upon petition of 65 per cent of the voters."

While the fundamental law of South Dakota is prohibition, an amendment to the law provides for the nullification of prohibition upon a majority vote of a municipality at the annual election.

Kansas is one of the states having a prohibitory law for the whole area. We present here the claims of residents of Kansas as to the results of their radical legislation. Since 1905 active work in enforcing the prohibitory law in Kansas has wrought notable results. Open violation of the law has ceased in all the counties except three. In those three, energetic prosecutions seem to point to the speedy suppression of the traffic. Kansas City, Kansas, separated from Kansas City, Missouri, by the river, is the largest city in the state, having one hundred thousand population. Previous to June, 1906, 256 saloons in the city furnished a revenue of $90,000 per year. Since that date the saloons have been closed. The following testimonials are given concerning the results:

U. V. Widner, assistant city clerk, says: "In twenty-one months Kansas City, Kansas, has almost recovered from as many years of saloon oppression; $245,043.53 of the city's debt was lifted during the last year, when no revenues were obtained from the liquor joints, because there were none. The city tax levies have been reduced twenty cents for each one hundred dollars of assessed valuation. The police force has been reduced from eighty-four to fifty men."

Larkin Norman, building inspector, says: "My record shows the building of new houses in Kansas City, Kansas, in 1907, the year after the closing of the joints, to be the greatest in the history of that city. The increase in the cost of new buildings in 1907 over 1906, was $468,589. The increase in the number of buildings, 379. . . . In additions immediately outside the city there are one-half as many new buildings being erected as within the entire city." Willard Merriam, real estate dealer, says that in the last twenty-one months more property has been sold and more has been improved than in any previous six years.

C. L. Brokaw, cashier Commercial National Bank, the largest bank in the city, is quoted as follows: "Since the enforcement of the law began it has been twenty-one months, during which bank deposits have about doubled; twenty-one months of the largest activity in building ever known in the history of this city; twenty-one months in which it has been almost impossible to find a vacant store

room in the business streets in which to locate a business; twenty-one months of the largest growth in population that the city has ever been able to record for the same length of time; twenty-one months of the least crime; twenty-one months of the largest progress made in the building of school buildings and in increase of school facilities; twenty-one months of the largest additions to our milling and factory facilities; twenty-one months of the greatest satisfaction among our retail business men; above all, twenty-one months of the purest city government we ever had and twenty-one months of the best moral atmosphere the city has ever enjoyed. . . . It has been estimated by those who are competent to judge that the enforcement of the law, as it has been enforced here for the last twenty-one months, is a net saving of one million dollars to the citizens of the city."

The article further states that cases of delirium tremens at the sanitarium had been frequent, but under prohibition there were but two cases in six months. The necessity for a juvenile court practically ceased. More children went to school, so that more teachers were employed. Not so many people went to the poor farm, and destitution due to husbands spending money at the saloon almost entirely disappeared. There was great reduction in crime and in the number of persons charged with crime. The police judge of a suburb found nothing to do, and whereas the police court in the city had averaged thirty cases each morning, this number was reduced almost to the vanishing point. All over Kansas enforcement of the law has decreased crime, shortened the terms of court, lessened and almost rendered unnecessary police protection, decreased the rate of taxation.

Kansas has 1,600,000 population. It has on deposit in its banks $100 for each person in the state. Kansas people own their own homes. Kansas has fifty-four counties that sent no prisoner to the penitentiary during the past year and twenty-one others that sent only one each. There are thirty-seven counties without a pauper.

The following states are under constitutional prohibition: Maine, Kansas, North Dakota, Oklahoma. The following states are under statutory prohibition: Georgia, Alabama, Mississippi, North Carolina, Tennessee. (In the case of Tennessee, the law simply provides that no saloon can exist anywhere in the state within four miles of a school house, but since no place can now be found in the state which is outside of the four-mile limit, the law is just as good as though it provided for prohibition in so many words,

and in fact when it was passed by the last legislature, it was fought out as a straight prohibition issue.)

The states which have various forms of local option are: Arkansas, California, Colorado, Iowa, Idaho, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Missouri, Nebraska, New Hampshire, Arizona, New York, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Washington, Wisconsin, Utah. California has local option legislation in only part of the counties, and the laws and constitution of California give legislative authority upon this question to the county supervisors. In Maryland there are ten counties dry under local option laws which were passed by the legislature of the state as special legislation; other counties in Maryland have no local veto privilege at all. In Utah more than half the counties have gone dry within the past five months by action of the local town and county boards, although there is no uniform local option law on the statute books of the state. The conditions in Iowa and South Dakota are very similar. Prohibition prevails in all sections of these two states, except where 65 per cent of the people petition for saloons.

The following states and territories are under license: New Jersey, New Mexico, Pennsylvania, Wyoming, Nevada. In the case of New Mexico and Wyoming, the state laws prohibit the establishing of saloons outside of incorporated towns, consequently all the rural sections of these two states are dry.*

The dispensary system by which the state held a monopoly of the state liquor business, was tried in South Carolina from 1892 and only recently abandoned. In 1895, Messrs. Wines and Koren wrote: "It is beyond all cavil true that in the cities and towns formerly under license the dispensary law has promoted sobriety and in a wonderful degree." As to places formerly under prohibition, there was disagreement. The increase of drunkenness in rural districts due to "blind tigers" is noted. There was also objection to the powerful political machine built up by the system.

The Relation of the Federal Government to the Liquor Traffic

On the executive, administrative, and legislative side, the federal government treats the liquor business as a source of revenue. It

* Ernest H. Cherrington, in letter to the author.

does not license the business,—that is left to local authorities; but the federal government taxes alcoholic drinks at the distillery and in the places of retail trade; it does not approve, but merely tolerates the business. The Supreme Court decisions leave the states entirely free to regulate or prohibit the traffic in alcoholic drinks in their own way.

The Pure Food Law of Congress is designed to affect the quality of the beverages sold from state to state. As it is well known that the adulteration of liquor by the addition of certain ingredients specially dangerous to health tends to increase crime, this legislation has some interest for our subject.

The federal Supreme Court has been called upon to decide the legal principles of state legislation concerning the liquor traffic. It has uniformly upheld the most radical legislation of states on the subject. The states have full power in this field.

Practical Measures: Voluntary Reform Societies

ANTI-SALOON LEAGUE OF AMERICA*

The object of the league is the most radical repression and ultimate suppression of the liquor traffic. Forty-three states and territories are now organized. Three hundred and fifty persons are giving their entire time to the work of the league. Its method is the federation of existing agencies, especially churches. Its departments of activity are agitation, legislation, and law enforcement. It is inter-denominational and omni-partisan. Hundreds of towns and cities, townships and counties, are abolishing the saloons under local option laws that have been secured through the efforts of the league in different states.

An article in Annals of the American Academy of Political and Social Science, November, 1908, by J. C. Jackson, editor of the *American Issue*, Columbus, Ohio, gives further information. When fully organized in any state the league maintains three departments of activity—agitation, legislation, and law enforcement. It is a federation of existing temperance organizations and agencies and in political action will work through any party. It operates in forty-three states and territories and maintains two hundred and fifty field workers. However, if account be taken of occasions in which the league assists the actions of others, its influence will be seen to be

* Gen'l Supt., Rev. P. A. Baker, Columbus, Ohio, 1908. See Bliss: Encyclopedia of Social Reform, 1908.

much more extensive than the above figures indicate. During its lifetime, the league has issued three hundred and fifty millions of pages of temperance literature. The *American Issue*, its national organ, sends out three hundred thousand copies per month to paying subscribers. Other organs exist that have a paid subscription list calling for as many as twenty thousand copies per week. Fully nine-tenths of the efforts and revenue of the league are devoted to the creation of temperance opinion. Largely through the efforts of this organization the following results have been achieved in the states named:

The league was organized in Alabama in 1905. In 1909 the entire state was dry. Of the seventy-five counties in Arkansas in 1900, the year of the entrance of the league into that state, sixteen were dry. In 1908, fifty-eight were dry. The league will now seek to secure prohibition by popular election. In California there are six counties under county-wide prohibition by supervisors' action, in six other counties approximately two-thirds of the supervisors' districts are dry and the saloon has been banished from possibly one hundred municipalities by their trustees. In Colorado since 1904 the league has helped the temperance people to win twenty-two out of twenty-eight local option elections. Four large wards in Denver have voted dry by large majorities; the Drake Local Option law, passed in 1907, provides for ward, precinct and municipal local option. In Connecticut the Anti-Saloon League retains its name of Connecticut Temperance Union, organized in 1865. Its operations have doubled the dry territory of the state. In the District of Columbia the number of licensed places of all sorts has been reduced from one to every two hundred and eighteen of the population in 1892 to one to five hundred and eleven this year. Delaware passed a district local option law in 1907 and thereafter the league assisted in rendering two of the four districts dry. Since 1907, the year the league entered the state, Florida has added seven counties to its dry territory. Thirty-seven counties are now entirely dry, four are all saloon territory, five partially saloon territory. There are but fifteen saloon municipalities in the state. The league aroused Georgia to enact the present prohibitory law and elect a legislature favorable to making the state dry.

The Iowa League since 1903 has obtained laws subjecting express and freight offices handling C. O. D. liquor packages to mulct tax, which to a large extent has operated prohibitorily. Seventy-three Iowa counties are without saloons and thirteen with but one. In

the spring election in Illinois in 1908 one thousand two hundred and fifty townships voted on the saloon proposition, nine hundred abolishing the saloon. Of the fourteen hundred townships in the state, one thousand and fifty-three are dry. Thirty-six counties have no saloon. Twenty-two out of forty larger cities voting on the proposition went against the saloons, the largest being Rockford, a city of between forty thousand and fifty thousand population, where fifty-three saloons were compelled to close. In Indiana the Moore remonstrance law is really local option by majority petition of voters in townships and city wards. There are 1,579,775 people of the state living in dry territory. Six hundred saloons have been closed since the beginning of the year. Eighty per cent of the territory now grants no license to saloons.

In Kentucky since 1906 the counties vote as a whole. A common carrier is forbidden by law to transport liquor to dry territory. Since 1908 distilleries are prohibited from making sales to any save licensed dealers. Ninety-four counties out of one hundred and nineteen are without a saloon. There are only fifty or more places in the state where liquor can be sold. Seventy-seven per cent of the population live in dry territory, and ninety-eight per cent of the territory is under no license.

In Kansas thirty-five counties of the state have empty jails, thirty-seven counties have no criminal cases on the docket. Forty-four counties are without a single pauper, and twenty-five counties have no poor-houses. Leavenworth is the only city with an open saloon. Three-fourths of the state of Louisiana is in dry territory and forty per cent of the population. Of twenty-three counties in Maryland ten are absolutely dry, three counties have saloons in only one place each, two more are nearly dry, six have some dry territory, and only two are wholly wet. In Massachusetts about two-thirds of the towns are under no license, and seventeen of the thirty-two cities, including Lynn, Cambridge and Worcester, the three largest towns, are dry under local option.

In Michigan there are eleven dry counties, one-eighth of the state, and possibly two hundred other towns and villages that have by special act or effort expelled saloons. Twelve hundred of the eighteen hundred townships of Minnesota have no saloons; one hundred and sixty villages have voted saloons out, and one county is dry by village and township option. With a county unit law, except that cities of twenty-five hundred or more population vote inde-

pendently, out of one hundred and fourteen counties of Missouri seventy-seven are dry and ten counties have but one saloon.

In Arizona the law requires a two-thirds majority to vote out saloons. Various counties have given a majority against the saloon and effort is made to change the law. New Mexico has as yet no local option law. The league has taken votes in various towns that have shown large majorities against the saloons. Action is, however, optional with town councils. Change in the law will be sought. In Nebraska twenty-one counties are wholly without saloons. There are twenty-two dry county seats. There are about one thousand towns in the state, one hundred and fifty being merely post offices and railroad stations. Four hundred and fifty of the remainder are without saloons. The league has secured laws on labeling packages in transit containing intoxicating liquors, so that their contents shall be known, establishing the venue of the sale of intoxicating liquors, and prohibiting saloons within two and one-half miles of the United States army post. In North Carolina in 1903 the Watts law was passed, by which prohibition was given to the rural districts and local option to municipalities on petition of one-third of the voters. In 1905 the Ward law was passed forbidding saloons in towns of less than one thousand inhabitants. On May 26 the people ratified a prohibitory statute by a vote of 113,000 to 69,000.

In New York recent legislation has been secured as follows: The Stranahan Amendment, depriving citizens of the right to begin proceedings to revoke a liquor-tax certificate, was repealed. The Page "Prentice Law" was passed. This has suppressed over 1,800 counterfeit hotels, thus greatly lessening immorality and crime. The Whitney "search and seizure law," provides for mandatory imprisonment of liquor-law violators. Laws in New Jersey have been improved with regard to liquor selling on Sunday, selling to minors and to drunkards. A few towns have local option by special charter from the legislature. These are all dry. In Oregon there is an especially good local option law. There are thirty-three dry counties. In other counties seventy precincts are dry and five college towns in the state do not have a single saloon.

The Ohio Anti-Saloon League has secured the following liquor laws or amendments: A municipal local option law, an exemption from prosecution of state witnesses who testified in liquor cases, a residence district local option law, provision for temperance challengers and inspectors in local option elections, the blind-tiger and speak-easy law and further residence district legislation, a liquor nuisance law,

a law forbidding private clubs in dry territory, and also preventing C. O. D. shipments of liquor; a law forbidding the employment of persons under sixteen years of age in liquor houses; juvenile court and county option laws. About 1,155 townships out of 1,371 are dry, and about five hundred villages and cities. About 425,000 people live in dry residence districts in the cities. Oklahoma has state-wide prohibition in the Constitution.

In Pennsylvania effort to secure a local option law has not been successful. Increased vote in favor of such measure has been secured in the legislature and six liquor bills have been defeated. The league has devoted large attention to preventing the issuance of licenses. One county, several hundred townships, and a few boroughs are dry. In Rhode Island fifteen of thirty-eight towns and cities of the state grant no licenses. South Dakota through local option is, on the testimony of the supreme court, in effect a prohibition state. Unless a territory in any election gives a majority for saloons, the territory reverts to prohibition. Of the sixty-four counties, thirteen are entirely dry, and of the one hundred and thirty-six towns and cities, forty-two are without saloons.

The league has just begun work in South Carolina. By continuous extension of "the four mile law" to apply to larger and larger towns, Tennessee has prohibited the saloon in ninety-two counties, leaving it in only four; 1,665,232 of its inhabitants are under prohibition, 335,384 still retaining the saloon. Texas has one hundred and fifty-two counties entirely dry, sixty-six partially dry, twenty-five permit the sale of liquor. In Utah and Wyoming the league is working for county option. Since 1903 the number of wet towns in Vermont has decreased from ninety-two to twenty-seven. In 1903 Virginia passed the Mann law by which eight hundred saloons were closed within two years. Eighty-six counties are without saloons, one hundred and thirty-five out of one hundred and fifty-two towns are dry, also nine out of nineteen cities. West Virginia has thirty-three dry counties; the express companies refuse C. O. D. shipments of liquor, and laws are well enforced. There are five hundred fewer United States liquor-tax payers than last year (the article was published in 1908), and in several counties there is not one. West Virginia has the most drastic Sunday closing law in the United States.

In Wisconsin the law requires the authorities to revoke the license of a dealer convicted of violating the excise law. Out of 1,454 cities, villages and townships nearly eight hundred are dry. In

Washington the league seeks the enactment of a local option law and has been instrumental in enforcing the Sunday closing law, formerly violated in the cities. The league has taken part in elections for the purpose of securing officials favorable to its aims. It is conservative to say that, including the election of state officers, legislators and local officers having to do with temperance matters, thousands of victories at the polls have recorded the influence of the Anti-Saloon League.

Mr. Jackson quotes concerning legislation on the liquor question in the United States for the winter of 1907–1908 from *Truth*, the official liquor organ of Michigan, which says: "During the last winter about 2,500 bills on the temperance question were considered by about thirty legislatures, with the Anti-Saloon League leading the fight on behalf of the temperance forces of each state. It is a significant fact that not a single favorable liquor bill was passed anywhere in the country." In conclusion, after mentioning with appreciation other active agencies for temperance, the article says: "As a result of these united efforts, in which the League has been the principal bond of late years, there is today a population of 26,000,000 in the United States in territory dry by local option, 4,000,000 population dry by federal or local decree, and 7,319,000 under state-wide prohibition, while 41,233,000 population is, therefore, under one form or another of prohibition—nearly one-half the population of the United States. In the southern states 17,000,000 out of 27,000,000 are in dry territory."

Of the Anti-Saloon League as a political force,* a representative of the league says: "As a result of agitation adverse to the saloon, the business began to entrench itself behind state laws and for this purpose formed a political organization. The liquor party would vote with any political organization that promised success and thus was able to control legislation.

"A quotation from the San Francisco *Call* gives resolutions adopted by the California Liquor Dealers' Association stating its opposition to all legislation hostile to the liquor traffic. The *Call* further states that the association had appointed a committee for the purpose of making its opposition effective, whose duty it was to propound the following questions to all the candidates for city offices and require of them direct and unevasive answers:

* Annals of the American Academy of Political and Social Science, Nov., 1908. Article by W. M. Burke, Ph.D., Superintendent, Oakland District, Anti-Saloon League of California.

1. Do you understand the purpose and principle of the California Liquor Dealers' Association?

2. Are you opposed to any of its expressed declarations?

3. Are you friendly or unfriendly to the retail liquor trade?

4. Would you, if elected, vote for an ordinance or amendment to any law in opposition to the expressed wishes of the association?

5. Will you, if elected, support the declarations of this association as they have been read to you?

"It was to oppose the saloon in politics that the league entered politics. The league believed that a majority of good people were opposed to the saloon and merely lacked organization for political action. The first move was to organize the churches for combined political action concerning the traffic. The league fights by means of publicity. It lets the churches know all the facts. It does not ask a man to leave his party permanently but only to seek the nomination and election of candidates opposed to the saloon or who will agree for any reason to vote for temperance measures. The voter thus works within the party, only voting against certain candidates. The politicians have thus been taught that the liquor power does not have as many votes as the temperance people.

"The league seeks to secure the nomination of a candidate by the dominant party favorable to its measures. In case this fails, then the next largest party is asked to furnish the candidate. Generally one of the parties does as desired. If not, the league may bring out an independent candidate who sometimes wins the election. The league thus seeks to hold the balance of power. After the election the league holds an open lobby at the legislature, using publicity as its weapon. A feature of its policy is always to stand by the politician who has kept his pledges even where it means temporary loss to the cause."

Temperance Movement in the United States

The following article* has serious significance in this volume and a right to a place here; for it is from the pen of that scholarly philanthropist who was United States Commissioner on the International Prison Commission and, at the time of his death, its honored and beloved president. To the numerous friends of Dr. Barrows in Europe as well as in America these passages will have a pathetic interest, even when his conclusions are not entirely accepted.

* Barrows, Samuel J.: The Temperance Tidal Wave. *The Outlook*, July 4, 1908.

"When a single town in New York votes to go dry on the question of license, and some other town in Illinois votes to go wet, it may be due to some local option shower, or a local option drought. But when we see a great temperance wave move with resistless energy across the land, when we see the tide of public opinion against alcoholism making itself felt in England, France, Sweden, Finland, Russia, Switzerland, as well as in Illinois, Oklahoma and the Black Belt, we know that it is not merely a question of local showers—some great moral or social world-force is making itself felt in our civilization.

"The temperance tidal wave is not a metaphor; it is a fact. It is a form of social and moral energy which registers itself just as certainly as the ocean wave, the swift wind, the changing temperature, can write their autographs in a language which is registering itself in words, deeds and tendencies. We can measure it by votes, laws, public discussions, political platforms, police statistics, jail commitments; and the brewer is beginning to measure it in his beer vats. Oliver Optic started a 'Wine Bibbers' Temperance Society.' It looks as if we were on the verge of a saloon house-cleaning crusade, led by the brewers themselves!

"The direction, force, and rate of movement of this temperance tidal wave can even be predicted. On the 21st of April the people of Illinois voted to close fifteen hundred saloons; five hundred more were closed on the same day in Michigan, Colorado and Nebraska. Superintendent Baker of the National Anti-Saloon League, after a careful estimate of the outlook for the whole country for 1908, prophesies that not less than thirty saloons a day will be closed during the year, or two hundred a week. Allowing an average of thirty feet front for each saloon, that means fifty-nine and one-third miles of saloons to be closed a year. Are the brewers laughing at this prediction as the wild, hysterical dream of a temperance wave intoxicated with success? Not at all. The predictions of the foresighted liquor men are almost as radical. A year ago the *Wine and Spirit Gazette* said: 'If the Anti-Saloon League can maintain its present organization, it looks as if it certainly will destroy the legalized saloon in all the southern states, except, perhaps, Missouri; and it is certainly making strong headway in Indiana, Ohio, Illinois, Wisconsin, Minnesota, and the western and northern states.'

"The modern temperance movement is taking on new aspects and has adjusted itself to new conditions. When the temperance movement began in England and this country, the argument for

abstinence was addressed wholly to the individual; it was based upon considerations of personal duty or interest. . . . The electric appeals of John B. Gough were made directly to the drinker, and his success was measured by the number of pledges he got in a year. . . . In spite of sensational, exaggerated and evanescent elements the early efforts for total abstinence had noble and fruitful results. It was the first great movement of the temperance wave, and for a time it seemed to carry everything before it. It was not until 1846 that a prohibitory law was passed in Maine. . . .

"Logically as well as historically it is easy to see why social control of the liquor traffic in some form or other has become a recognized principle in modern legislation. When temperance was regarded as an individual and not as a social question, there was a natural protest against the restriction of individual liberty by sumptuary laws. . . . In our day extreme individualism has been modified in every respect by fraternalism, by new conceptions of solidarity and social obligation. . . . Eating and drinking are private acts, but they may have important social consequences. If the individual is responsible to society for his acts, society is recognizing its responsibility to the individual. It is responsible to some extent for his environment; it must furnish him with adequate protection. . . . Drunkenness is an individual vice; but if it deprives the individual of his self-control, it becomes a social peril, it means theft, assault, wife beating, social disorder, homicide; it means neglected homes, neglected children, poverty and pauperism. Alcoholism is a form of temporary insanity. Only the extreme anarchist will deny the right of society to control a man who is socially dangerous because he cannot control himself. In our modern democracy, legislation is an expression of public opinion in the interest of public security, public order, and public liberty. The whole range of legislation has been greatly enlarged. . . . The question, therefore, of public regulation, restriction or prohibition of the liquor traffic takes its place in legislation as naturally as the question of imitation butter. . . .

"Alcoholism is seen to be prolific of public disorder. Every community has a right to fix and maintain a standard of public decency. . . . Still again, alcoholism is closely related to the question of pauperism and crime, great sources of public expense. . . . Baehr's statistics, running back twenty-five or thirty years, have been the basis of our knowledge of the connection between alcoholism and crime. Of thirty thousand prisoners examined by

him, 41 per cent committed their crime under the influence of alcohol. In Belgium Professor Thiry makes the proportion 45 per cent. Mr. Schaffroth, inspector of prisons in Switzerland, reports 42 per cent of the men as drunkards and 31 per cent of the women. The physician-in-chief at the prison in Nice, France, says that the influence of alcohol on crime is 59 per cent. . . . Two English physicians say from 55 to 60 per cent, while Mr. Wieselgren, director of the penal institutions of Sweden, says 74 per cent of male prisoners admitted that their crimes were connected with the abuse of alcoholic liquors. The most conservative estimate as to the influence of alcohol on crime is that of Dr. Guillaume, of Berne, who fixes it at 35 per cent, while Dr. Lord, of Switzerland, says that from 50 to 75 per cent of crime against persons is due in part or whole to alcoholism.

"In Massachusetts the Bureau of Statistics of Labor . . . in 1905 . . . found that 82 per cent of convicted persons were under the influence of liquor at the time the offense was committed, and about 65 per cent of paupers were addicted to the use of liquor. 'You lock up my husband for drunkenness,' said a woman to the judge, 'why don't you lock up the saloon?' It is too late to ask whether society has a right to protect itself from disorder and indecency, from pauperism and crime; it has determined to do so in nearly every civilized country; and the great question is not, Shall it be done? but, How shall it be done? Shall the manufacture and sale of alcoholic drinks be regulated or interdicted? Shall the sale be made a source of public revenue? Shall they be sold to children and to minors and to habitual drunkards? . . . Who shall decide these questions? Shall they be decided by the Council of the Empire, as in Russia, or by the people at the polls, as in the United States? If decided at the polls, shall the people of the whole state decide together, or shall it be decided by counties, towns, cities or parts of cities? . . . In the United States 36,000,000 people have put the saloon under the ban of the law, 10,000,000 by state laws and 26,000,000 by local laws. . . .

"Thus it will be seen from the array of facts here presented, covering Great Britain, the continent of Europe, the United States, Canada and Australia, that this many-sided problem of liquor regulation is not a local question, but a world-wide movement. Local phases may intensify the agitation, but they have not caused it. The whole problem is related to newer and higher ideals of modern civilization; to new standards of personal conduct and of social control; to higher demands of efficiency; it is affected by strong

moral and religious impulses and by a determination to attack at their root the diseases and evils of civic and social life."

The second paper of S. J. Barrows on the Temperance Tidal Wave appeared in *The Outlook*, July 11, 1908. The article undertakes to analyze the forces that have produced the wave. These forces are personal, organic, educative, industrial, political, and moral. "In December of 1873, the writer was summoned as a journalist to study a temperance crusade, as unique and curious as any of the mediæval crusades to capture Jerusalem. It was a crusade of women and its weapon was prayer. . . . In fifty days the prayer crusade had shut up saloons in two hundred and fifty towns and villages of Ohio. The movement swept into other states. . . . In the crusade there was a germ of a wider and greater movement and in less than a year later, in November, 1874, in Cleveland, Ohio, the National Woman's Christian Temperance Union was organized. It has now 300,000 members in the United States, and is organized in every state and territory of the Union, the District of Columbia, and Hawaii. In the world organization there are half a million members in fifty nations. In the United States, its machinery is swift, well oiled and co-ordinated. It can reach by the next mail, if necessary, every legislator in every state in the Union. . . . The sphere of its work has thirty-five departments. It is agitating for an eight-hour day, for peace through arbitration, the rescue of outcast women, to establish juvenile courts and industrial education, and to promote social purity; but its work for constitutional prohibition and total abstinence for the individual is that for which it is most widely known. . . . When an election is held for local option or for state prohibition, it is the Woman's Christian Temperance Union that forms processions of boys and girls to sing, carry banners and make personal appeals for temperance. A Congressional representative from Alabama said that the sight of these children in Birmingham, many of them from the families of drunkards, bearing a banner inscribed, 'Please, sir, vote for us!' 'Please, sir, give *us* a chance!' was one of the most dramatic and effective weapons of the campaign. Some voters saw the procession with wet eyes, and then went and voted 'dry' at the polls. Systematic and semi-scientific teaching enforced by moral and religious precept and example, organized and stimulated throughout the country by the Woman's Christian Temperance Union, together with its Loyal Legions and Bands of Hope, has been going on for thirty-four years, and the result of this education has been telling in the boys and girls who have since grown to

manhood and womanhood. This is one reason of the silent, steady growth of temperance sentiment.

"Out of a movement in the Piedmont Congregational Church in Worcester, Massachusetts, started by Rev. D. O. Mears, D.D., in 1887, came the No-license League. A similar movement in Ohio in 1893 called Dr. Mears to be its president, who suggested the name Anti-Saloon League. . . . It is not tied to the skirts of any political party or religious denomination. The 100,000 members of the Catholic Total Abstinence Union work with and endorse the Anti-Saloon League, as do the Woman's Christian Temperance Union and the National Temperance Society. . . . The Anti-Saloon League is not, therefore, a single organization, but a league of organizations. It is directed not against the individual, but against the saloon; it stands for the largest repression of the liquor traffic. . . . The growth of the organization has been phenomenal. It has stirred up and united the churches. . . . While venality in politics has been the discouraging feature in (possible) suffrage, the Anti-Saloon League has, without spending a dollar for votes, kindled the fires of conviction which have burned out the saloon even in places where the ballot had been most corrupt. . . . Still a third great army corps in the war on the saloon is made up of the forces of the Christian churches of the South. . . .

"Alcohol is essentially a product of civilization. . . . The liquor traffic requires vast machinery for its production and distribution; it employs a great army of men backed up by enormous sums of money. It has taken advantage of the principle of association in modern life. Against such a mighty organization individuals are as powerless as a straw in a stream. . . . Politics is the field, ballots the weapons, and legislation the objective point in the great fight."

To a select body of one hundred and twelve persons throughout the South the following questions were sent by Mr. Barrows:

1. What influences, moral, political, social, or economic led to the passage of the present law?

2. How has this law been carried out?

3. What has been the effect on order in the community?

4. Is it possible to say which form of regulation—state prohibition, local option, or the dispensary—has been most effective?

"Responses to these questions have been prompt and numerous, showing a first-hand knowledge of causes and presenting reliable data as to results. In addition, the local press of the South has been well

gleaned for fact and comment. Finally, pains have been taken to get a view of the situation, both local and general, from the standpoint of the brewer, the distiller, and the liquor dealer. . . .

"In Georgia it is noteworthy that not a single one of the witnesses finds in the Atlanta riot or any spectacular episodes in the campaign the real cause of prohibition sentiment. An able judge in Greene County gives us the underlying cause in the fact that for thirty years the women have been persistently teaching that alcohol is neither necessary nor desirable and that drunkenness is disgraceful. This sentiment has reversed the ideas of social drinking. Local option was the stepping-stone to prohibition. The Woman's Christian Temperance Union, the churches and later the Anti-Saloon League were the agencies.

"'Our prohibition law,' one witness says, 'is being more effectively enforced than any other law against a great and general vice.' Another says: 'The consumption of alcohol now is about as jugs compared to barrels formerly.' Brunswick, Georgia, court records are appealed to and show a reduction of between 60 and 75 per cent in the number of cases of disorderly conduct. The mayor of that city says: 'The effect on order in that community has been surprising. The decrease in crime since the passage of the act has been at least 80 per cent.' Other towns are spoken of in the same way.

"The clerk of the court of records finds the closing of the saloons a great benefit to the poor whites and the Negroes. . . . As to the dispensary, Athens, Georgia, was the first city to introduce it. Several other counties established it and then it was adopted in South Carolina. It is significant that few dispensaries remained in Georgia when the prohibition law was passed. Dawson County, in which for years the dispensary had paid every expense of the county, so that no county tax was levied, voted it out. Clarke County, operating one of the most flourishing dispensaries in the state, did likewise. The Athens dispensary sold $300,000 a year, and realized in 1907 $55,000 net profit. But the citizens are gladly meeting the deficiency by an increase of one-fourth of one per cent in tax. At a meeting of the Georgia Sociological Society, Judge Broyle pointed out a defect in the law in that it does not state the exact amount of alcohol in a beverage that will outlaw it. Under a recent decision of the Georgia Court of Appeals this failure to state the amount of alcohol allows almost any kind of a malt beverage containing two or three per cent or even more of alcohol to be sold without violating the law . . . not only to adults, but to minors. This oppor-

tunity to make 'near-beer' has been seized upon by the Georgia brewers."

Mr. Barrows speaks in much the same strain of Alabama, Tennessee, and Oklahoma. He closes the article with the following summary of things established by the present movement for the regulation of the liquor traffic:

"1. The sources of the movement are easily discernible. It is not due to local or ephemeral causes; it springs from a public conviction that the United States Supreme Court has well rendered, namely, that the 'public health,' the public morals, and public safety are endangered by the general use of intoxicating liquors and that the idleness, disorder, pauperism and crime existing in this country are largely traceable to this evil.

"2. A public conviction that is expressed by the Supreme Court of Kansas, that probably no greater source of crime and sorrow has ever existed than social drinking saloons. In addition the saloon has been the polluted sink of gambling, licentiousness, and corrupt politics.

"3. Educative forces have been working for the last forty or fifty years. A new generation has grown up and found that alcoholic drinks are not necessary for health or happiness.

"4. In the movement for the regulation of the liquor traffic in the United States the Woman's Christian Temperance Union, the Anti-Saloon League, and the federation of Christian churches have been great factors.

"5. Local option has proved to be the most effective legislative or elective measure. State-wide prohibition is a dangerous experiment until the way for it has been paved by local option. Restrictive laws can only be enforced when public sentiment has created them.

"6. When public sentiment demands it liquor laws can be enforced as well as any other laws.

"7. A reduction in the liquor traffic is promptly followed by a reduction in crime and by greater social order and tranquillity.

"8. The economic consequences are seen in new evidences of personal and civic thrift.

"9. Finally, if I am asked if this movement has come to stay, I may close by quoting the opinion of an interested observer, a prominent leader of the distillers and brewers of the country, the editor of Bonfort's *Wine and Spirit Circular:* "Modern civilization is groping, but it is reaching upward, and it has decreed after a fashion

that slums and hopeless poverty and crime due to want and drunkenness shall give way before the doctrine of the brotherhood of man, and that those things and those resorts which degrade must have no place in the civilization towards which the leaders of thought are now moving."

DRUG HABITS

The causal connection between the use of morphine, cocaine, and other drugs and crime is well known. These substances taken in certain doses have the power to so change the action of the central nervous system that normal conduct is impossible. One of the agencies for correcting the abuse of tobacco by children and youth is the National Anti-Cigarette League.* Its object is to combat in all legitimate ways the use of the cigarette and of tobacco in any form by boys. The league holds public meetings, publishes and circulates literature, organizes and maintains local leagues, gives special attention to needed legislation, and the enforcement of existing laws on the subject. It publishes *The Boy Magazine.* The laws of most states regulate the sale of dangerous drugs by the drug stores, and these rules are enforced by state boards of pharmacy and by the police on complaint. The juvenile courts frequently discover cases of use of drugs by children and punish the druggists who have sold contrary to law.

CARRYING CONCEALED WEAPONS

In the report of the National Prison Association, 1903, page 72, Isaac T. Woodson, attorney for the Kentucky Humane Society, suggests that the sale of deadly weapons be controlled by law. He says: "The sale of pistols is authorized by law in Kentucky. Idle and shiftless men frequent the saloons, drink and treat, indulge in frivolous and exciting controversies, become angry and fight. From this kind of strife homicides result. Usually death is inflicted with some deadly weapon; most usually with a pistol carried on the person of the slayer. The question here suggests itself, if public drinking were not authorized by a licensed system, and if the sale of deadly weapons were restricted by law, and if the carrying of deadly weapons were punishable as a crime of serious magnitude, would so many lives be ruthlessly destroyed in the city of Louisville every year? The community cannot be held responsible for the vices and evil disposi-

* Secretary, Mrs. Caroline F. Grow, 1119 Woman's Temple, 184 La Salle Street, Chicago.

tions of all its members, and the right to bear arms openly is a constitutional right; but the community should be held responsible—the community is responsible—for the license system, allowing public drinking, and for the failure to treat the carrying of concealed weapons as more than a trifling misdemeanor."

V

DIRECT MEASURES*

MOST criminals and potential offenders are usually outside prisons. Some are never caught. Many regular and professional criminals manage to spend a large part of their lives in freedom, incarceration being simply one of the chances of the game they play. Therefore, society has ever before it the task of influencing the conduct of persons who, in various degrees, are hurtful or dangerous to the common interest. The methods of influencing these groups are to be considered in this chapter, so far as these methods are shaped by a conscious intention to turn the perverted members of society from their present evil course.

BUREAUS OF REGISTRATION AND OF IDENTIFICATION AS MEASURES OF PREVENTION

The mechanism of the Bertillon and finger-print systems, as employed in the United States, is described in another volume of this series in connection with the police. A serious defect in the records of American cities is the absence of all means of following the movements of persons from place to place. At hotels and boarding houses it is easy to give the guests a false name. These records are not public or under control and have no general value in the surveillance of offenders. The "rogues' gallery" of detectives and the bureaus of identification of police and prisons probably act as deterrents to some extent. The police and detectives have lists of habitual offenders and generally know a considerable number of past offenders who are likely to give them trouble.

The records of juvenile courts and of courts where adult probation has been introduced are of great value in this connection. They have the advantage of being continuous and of furnishing the life history and reputation of the morally weak and perverted who come frequently before judges on minor charges. Here, perhaps, is the beginning of a system of records which may be extended

* Measures relating more directly to anti-social persons, but outside courts and prisons. The institutions of repression and correction for persons accused or convicted of offenses are described in other volumes of this series.

and improved until practically most of the regular population in moral peril can be studied carefully and rational treatment can be prescribed and steadily followed until reformatory results are attained.

The system of registration of voters which requires as a condition of exercising the suffrage that a man inscribe his name, his address, his citizenship, and various antecedents, some time previous to election day, may have a tendency to prevent crimes against the election laws. This legal requirement has become somewhat general in the Union. It makes illegal voting considerably more difficult, and its main purpose is to prevent a certain class of semi-criminal loafers, whose votes and character are for sale to unscrupulous politicians, from finding their trade profitable.

Various other recent improvements in election laws raise higher barriers against offenses of this order. We may mention here the measures taken to secure entire privacy and secrecy in voting, so that the bribe-giver can never know whether the voter who is paid has really voted as he promised. Politicians quite capable of corrupting the ballot will hesitate to expend their money when they have no means of learning whether it has brought any result. The "corrupt practices acts," imitated from English legislation, so far as they have been introduced, tend to bring the use of campaign funds under public criticism.

MORAL INFLUENCE AND PREVENTIVE METHODS OF POLICE FORCE

In American cities the policeman has been encouraged by public opinion to regard himself chiefly as a "thief catcher"; for this he is paid, promoted, honored, distinguished. The average policemen boast among themselves of their sagacity in detecting criminals, their courage in combat with the enemies of society, and their success in sending the arrested men "over the road" to the penitentiary. (Criminals must be caught and evidence furnished which will convict.) And much can be said for police officers who take this view of their function. Many of them deserve great praise for their daring and shrewdness. They perform a necessary task, and their services as detectives and prosecutors are simply indispensable.

But it is the misfortune of men to acquire the defects of their best qualities, and to become narrowed by exclusive and habitual attention to a specialized industry. The ideals of the profession at last master them and shut out light from every other quarter. There is abundant evidence in the words and acts of certain police officers

to show that they have not always escaped from bondage to one fixed idea—that of discovering offenders and of securing their conviction in the courts.

Public opinion is easily aroused when sensational crimes are committed, and the police department must show that it is doing something to justify its existence; so there is a stir, and there are arrests—not always of the parties most wanted. The ignorant and passionate public is appeased, its revenge is sated if there is a sacrifice of some one who belongs to the "underworld"; and after all is said, modern civilized society is almost as capable of feeling a spirit of irrational revenge as our forebears of the Teutonic swamps and forests. The taste of blood is still sweet, and policemen are required to meet the demands of their masters, and these demands are not always reasonable and sane.

We are not now considering the corrupt side of police conduct—accessibility to bribery from the plunder of fences, burglars, and houses of ill fame. Society cannot expect to place a large body of men under such fierce and constant temptations and look for spotless saints in the persons of their guardians. It is not nice, clean work, though necessary and therefore honorable in its function. Shakespeare's powerful phrase is applicable, for the dyer's hand must take up something of the colors into which it is daily dipped. The graphic pictures of the soldiers' barracks in Kipling's poems are true to life. The peace and order of society require many sacrifices, and the tragedy of the situation is, when we face it honestly, that these sacrifices are not only in the limbs and lives of soldiers and policemen, but still more in the stains and decay of character.

This is intended for explanation and to secure justice and fair estimates and understanding; justification on grounds of what Herbert Spencer called "absolute morality" would be difficult to invent. We are not wrong in calling this struggle of police with criminals a war, and a great American soldier has said that "war is hell."

War, even after all modern developments of international law, carries still the marks of the savage past; it is full of treachery, deceit, and cruelty; and the best we can say is that war may be relatively better than peace at the price we might have to pay to enjoy it. There can be no peace with criminals in arms against our property, our homes, our lives, our culture. Therefore we justify action in our policemen which we know is necessary, but which we are glad may be confined to few men, so that others may be spared. We should

not lightly esteem the extreme sacrifice which we require; we should seek to minimize the necessity of this sacrifice by general educational agencies.

One of the consequences of this tragical situation is that our detectives—according to popular belief and uninterrupted testimony of convicts and newspaper reporters—have resorted to an ancient institution to secure evidence for conviction; they have revived torture as a means of eliciting testimony. This is facetiously called "taking the third degree," from the initiation ceremonies of certain secret societies which invent severe and humiliating ways of testing new members and furnishing sport to those already in the circle of adepts. Of course, any such method is contrary to law; for torture as a means of securing testimony has long been outlawed, and our laws lay the burden of proof entirely on the state prosecutor. How far this abuse has gone it is impossible to learn, for it is secretly done and is rarely accompanied by any physical torments which leave traces on the exterior of the body. To understand the temptation of police officials to resort to lawless measures we must take into account what public sentiment demands of them—arrests and successful prosecutions.

A gentleman who has had considerable contact with discharged prisoners, in a letter dated February 20, 1909, expresses a conviction which is shared by many lawyers, physicians, and charity workers among the neglected. He does not assert knowledge by personal observation, but simply asks for official inquiry. He holds that grave cruelties are practised; that many susceptible persons confess to crimes they never committed; that prosecuting attorneys and even lawyers for the defense are not guiltless in this matter, the chief object being to save immediate expense to the public, often in the long run a very extravagant and dangerous policy.

This same public demand for a show of activity also produces an excessive number of wholly needless arrests of comparatively harmless offenders. On this point evidence of various kinds is abundant, and we are not left to rumors and unfounded criticism. The evil is vast in extent and notorious in all cities.

Some of the evidence may here be offered, since the criticism is severe and will be challenged. At the same time the writer desires very much that these criticisms shall not be applied any further than they can be substantiated by local inquiry. Indeed, justice to those who are free from blame requires that the authorities in every state make judicial inquiry into the exact facts and take measures of an

administrative kind to prevent the continuance of abuses where they exist.

In illustration of exceptional abuses we cite this story* and editorial comment:

"A poor young widow with a babe of eight months in her arms, confronted a plain clothes police officer in a Chicago station house where he was prisoner. 'My husband loved me and our baby so much, and you shot him like a dog,' she cried. The young workingman was hurrying home from his work when this man without uniform suddenly emerged from a saloon and told him to stop and hold up his hands. When his victim hurried only the faster, probably fearing a hold-up, the officer fired point-blank at him, killing him instantly. The officer has been indicted for manslaughter. . . . There should be some way of recovering damages from the municipality for the lawless acts of its authorized agent.

"This case suggests the strict account to which citizens should hold civil service commissioners for appointments to the police force, and the chief of police and mayor for the strict discipline of the force. To the credit of the Chicago civil service be it said that by finger-print tests and other means of identification sixteen men were recently detected in an effort to get on the force, either by passing the examination or reporting for appointment to duty in the place of men who had passed the examination. The club and the concealed, but too readily handy, gun are still the signs by which our police conquer; the number of arrests, their credit marks. But standards of police efficiency and discipline are happily changing, even if only here and there."

Mr. John P. Altgeld, once governor of Illinois, called public attention to the number of needless and unjustifiable arrests in a vigorous discussion:

"Turning now again to the report of the chief of police of Chicago, we find that of the 32,800 arrested, 10,743 were discharged by the police magistrates, to say nothing of those who were bound over to the grand jury and then discharged. So that during the one year (1882) there were in that one city upwards of 10,000 young persons, who, without having committed any crime, were yet condemned to undergo a regular criminal experience. Think of this a moment. . . . Mind, these were not even offenders. . . . They were arrested, some of them clubbed, some of them handcuffed, marched through the streets in charge of officers, treated gruffly, jostled around.

* How the Police Make Criminals. *The Survey*, April 3, 1909.

At the police station the name and a complete description of the person of each were written on the prison records, there to remain. Some of the unhappy creatures were bailed out, while the remainder were shoved into cells and forced to spend a night, sometimes a week, there, forced to stand around with criminals, before they were discharged. . . . Will they not almost unconsciously sympathize with those that defy this whole system, and are they thus not brought suddenly a whole length nearer crime than they were before? . . .

"At present, to make numerous arrests is a matter of pride with many policemen. In fact, in many places, their efficiency, their standing as peace officers, actually depends on and is determined by the number of arrests they make. . . . The trouble is that too many officers (there are noble exceptions) like to assert their authority where there is no necessity of doing so. They are too anxious to act the master, when they should act rather as friends and assistants."*

An interesting experiment is under trial at Cleveland, Ohio. It is too early to give a final verdict on the plan, and there is great diversity of opinion among policemen and others as to the merits of the scheme. At the same time it must be apparent that some measures of this kind are needed. Indeed, there is probably not a city in the Union where at least some of the force have not tried to warn and persuade young men and boys, and in many cases admirable success with individuals has been achieved, with or without orders from the chief. We do not cite the Cleveland plan as entirely exceptional, but as typical of what is done everywhere, so far as we could obtain evidence, and what indicates a tendency among the most competent and intelligent men on our urban force; but in Cleveland indulgence seems to go at times too far. We first let the advocates of the Cleveland measures present their side of the case.

In *Social Service*, J. J. Kelso, of Toronto, says in substance concerning Chief of Police Kohler's experiment in Cleveland: "The patrolmen have been encouraged to act as mediators in minor disputes, and they have been given recognition for this rather than for the number of arrests. In eight months the number of arrests was reduced from 20,592 to 7,381. Commenting on this, Chief Kohler said to his men: 'The members of this department have accomplished results even beyond my expectations in this common sense policy, which must be gratifying to you as well as to myself, and I am sure it is to the general community. With your long and varied experience

* Altgeld, John P.: Live Questions. Donohue and Henneberry, 1890.

in police matters, I know you are competent to judge. The last six months have shown that your judgment is good, and you have accomplished the results expected by me in our first instructions.'"

Mr. Kelso adds: "Crime is usually a manifestation of wrong social conditions, and should be studied as part of a broad sociological scheme of rehabilitation. To send a man to jail is no remedy, but is usually to accentuate the evil, causing further shame to the individual, sorrow and pecuniary loss to his family, and expense to the community."

It is felt that improved methods are needed and that the police may become agents of social betterment. "As the friends and counsellors of erring youth, as active workers in the various charitable and social reform movements, they could do more in one month than all the prisons of the country in a year. It is easy to produce the evidence and convict a youth,—all the machinery in that direction is perfect; but for a convicted and disgraced youth to regain his footing in good society,—that under the present conditions is almost impossible."

In an address to the International Association of Chiefs of Police, Detroit, June 3, 1908, Chief Kohler said: "For many years I have given some study and some not very enlightening observation to the numerous arrests made for minor offenses. I found that the arrests not only did not produce good results; they did harm. They brought disgrace, humiliation, and suffering to countless innocent persons in no way responsible for the acts of a thoughtless, careless, mischievous, or even if you will a malicious offender. I found daily at these stations relatives and friends in tears seeking the release of some prisoner, who when I inquired seemed not so very, very bad. Sometimes a hasty trial, and the prisoner was released. Good! But the suffering has gone for nothing. Sometimes his friends perjured themselves. Sometimes he secured his freedom by means of a 'pull.' If the offender was fined, the weeping mother and children were robbed of the necessities of life. The chief's deliberate judgment is that this process can do no good. Only the judge was expected to exercise judgment, not the policemen; and often the bench showed little knowledge of the character and less sense of the habits and environment of the offender. There was a misunderstanding, and misunderstanding is injustice. Now I finally concluded that it was our duty not to help these unfortunates on their downward course, but to save them. It seemed to me that it was up to the police to know the difference between a thief and a mischievous boy or man."

Under Mr. Kohler's plan juveniles are never sent to the city

prisons. They are sent home and the parents warned. Intoxicated persons are not confined unless necessary; they are allowed to plead guilty and sign a waiver without appearing in court. In this connection is mentioned the Sunrise Court at which, by signing such a waiver without any further punishment, during the year 1907, 7,738 persons were released. Other misdemeanors are treated in like manner unless they are proved to have been malicious. The plan has greatly reduced the cost of dealing with such offenses.

The success of the plan is shown by report of the number of arrests for the first five months of 1907 and 1908: January, 1907, 2,158; January, 1908, 911; February, 1907, 2,257; February, 1908, 829; March, 1907, 2,711; March, 1908, 939; April, 1907, 2,434; April, 1908, 907; May, 1907, 2,731; May, 1908, 888. Arrests have decreased 68 per cent.

A desirable result has been that officers have more time in which to pursue the habitual criminal. Chief Kohler believes that the pursuit of his policy will make the policeman a friend of the people with whom he deals. "We police," he says, "can help to make the world a better place to live in. . . . We have discouraged men. We have driven young and weak men to the haunts and associations of habitual and expert criminals who have taught them the ideals and practices of crime. We have punished, we have not prevented, crime. The time has come to change all this and I believe that we in Cleveland have found the way to do it."

But there are some facts about this Cleveland experiment which compel serious reflection before we can recommend adoption of the plan in its entirety.* Perhaps the essential defect is the wholesale laxity of the plan and the neglect of judicial supervision with the help of a corps of trained probation officers. Long ago it was discovered that the judge of a juvenile court could help youth best in the very beginning of their erring course. If child or man is taught to think that he can easily escape with a mere reprimand or arbitrary pardon, he soon falls into a reckless habit. The more swiftly and firmly the judge secures control of his conduct and associations the better for him. It is not laxity in the police, but firm and steady discipline by the probation court which will, in the long run, produce the most permanent reformations. This is manifestly true of drunkards, vagrants, and petty thieves. Reduction of the number of arrests is not the only evidence we need for a judgment.

* See article of Wm. J. Norton, Chief Kohler of Cleveland and his Golden Rule Policy. *The Outlook*, Nov. 6, 1909.

Under a system of probation courts, open at all hours, day and night, incarceration may be avoided just as well as when all is left to the arbitrary judgment of policemen. The policeman may let an offender go with a reprimand, only to discover later that he has enjoyed similar ease of escape from arrest in other quarters of the city. This would not happen if the offender were taken to a branch of a municipal court with a central record.

Objections to the "indeterminate sentence" have been urged by many police officers on the ground that the administrative boards turned loose from the prisons dangerous men before the time which a jury would have assigned for their seclusion. It is true that men out on parole have committed crimes and have given trouble to the police. But, so far as the records go, it seems clear that the objection has little force, because where the system has been introduced (as in Illinois and Indiana) the average length of confinement of habitual and dangerous criminals is longer than it was before the law was enacted.

The theory of the law is that when a prisoner has expiated his offense he becomes a free citizen with full rights of citizenship; "justice" has no longer any claims upon him; he has "paid his penalty." But, actually, this artificial notion has no practical value, and is rejected by common sense. The whole conception is based on falsehood. No criminal can wipe out his obligations to society by suffering for a definite term. There is absolutely no way of measuring debt and penalty. It may be fair to require the offender, so far as he can, to indemnify the persons he has injured by reasonable reparation; but thus far our penal law almost ignores this obligation, which is difficult to enforce by civil process.

That the notion of buying off society by "paying a penalty" is false we may see by observing the attitude of the police toward a discharged convict, especially if he is a professional criminal or if he has incurred their dislike for less cause. From the moment he returns to a city, and without a shadow of justification in law, he is under surveillance of the police. His picture and description are ever at hand. Detectives make themselves familiar with his appearance, peculiarities, and associations, and the ex-convict, who is not always a habitual criminal, knows he is watched, without legal ground. Police surveillance is one of the most severe punishments to which a human being can be subjected. It is a constant nightmare and, with modern methods of records and means of identification, it becomes all the more terrible.

What we propose is: (1) to legalize social surveillance and give

to it a new character—that of friendly watch-care and counsel; and (2) when this confidence is abused, to prolong the sentence for any new offense so as to secure social protection in the only effective way.*

The employment of policemen in places of resort, friction, and danger has considerable value as a preventive measure. The opportunity for theft, picking pockets, snatching jewels and watches from ladies in the crowded vestibules and approaches to theatres and other places of recreation is very great. Wherever great crowds are gathered the temptation to play the ruffian and bully is increased, especially where alcoholic drinks are consumed. The presence of a few policemen quells the rising disposition to enjoy sport at the expense of quiet citizens who are not armed for personal encounters. It is also a wise measure to send guards quickly to the scene of conflagrations, not only to avoid annoyance of the firemen, but also to prevent thieves from carrying off the goods exposed during the forcible opening of the houses and the confusion of the crowd of sightseers. Wagon drivers, hackmen, and automobilists are kept from aggressive and hurtful conduct by the steady, certain, and reliable watchfulness of the officers on foot and mounted.

The policemen sometimes complain that the force available for arresting criminals is weakened by these drafts for other purposes. There is some ground for this complaint, but all that is reasonable in it must be met by providing more men, not by neglect of a necessary social function. And if the courts and the prisons had an adequate corps of probation officers for watching over and helping offenders conditionally free, there would be much less demand upon the police force, who would be free to respond to other calls.

TREATMENT OF VAGABONDS, MENDICANTS, VAGRANTS, TRAMPS, AND INEBRIATES

Vagrancy in the United States†

Vagrancy in the United States is a problem of national scope, yet its treatment thus far has been almost entirely local. Modern penology and modern charity have devoted themselves to problems more extensive and more conspicuous, leaving the problem of

* See further the contribution of Richard Sylvester, of Washington, President of the International Association of Chiefs of Police, in Penal and Reformatory Institutions, another volume of this series.

† The contribution on this subject was prepared by a specialist in this field, Mr. O. F. Lewis, Secretary of the Prison Society of New York, chosen to succeed the late Dr. S. J. Barrows.

dealing with the homeless wayfarer and the tramp almost unconsidered. Within the last few years, however, partly as a result of the attention given to the problem at the 1907 National Conference of Charities and Correction, and in 1907 by the National Prison Association, the vagrancy question and the tramp problem have attracted greatly increased attention.

Definitions vary considerably in the various states. The legal phraseology is often archaic. The Massachusetts definition of vagrancy is one of the least unsatisfactory, and reads as follows:*

"Idle persons who, not having visible means of support, live without lawful employment; persons wandering abroad and visiting tippling shops or houses of ill fame, or lodging in groceries, outhouses, marketplaces, sheds, barns, or in the open air, and not giving a good account of themselves; persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages or other public places to beg or receive alms, and who do not come within the description of tramps as contained in section 56, shall be deemed vagrants, and may be sentenced to the Massachusetts Reformatory or State Farm, or shall be punished by imprisonment for not more than six months in the house of correction or workhouse."

The laws of some states differentiate between a vagrant and a tramp. This difference is more legal than actual. A vagrant is a wanderer having settlement in the locality in which he is apprehended; a tramp is a wanderer having no settlement in the place where he is apprehended. The distinction may be traced to the old English law which differentiated between the person living within the community and the person who wandered into the community, and who, penniless, had no legal claim upon the community for poor relief.

Massachusetts defines a tramp as follows:†

"Whoever, not being a minor under seventeen years of age, a blind person, or a person asking charity within his own city or town, roves about from place to place begging, or living without labor or visible means of support, shall be deemed a tramp. An act of begging or soliciting alms, whether of money, food, lodging, or clothing, by a person having no residence in the town within which the act is committed, or the riding upon a freight train of a railroad, whether within or without any car or part thereof, without a permit from the proper officers or employes of such railroad or train, shall be prima

* Revised Laws of Massachusetts, 1902, Ch. 212, Section 59.

† Revised Laws of 1902, Ch. 212, Section 57.

facie evidence that such person is a tramp. A tramp shall be punished by imprisonment in the house of correction for not less than six months nor more than two years, or by imprisonment at the State Farm."

The fundamental elements in all definitions of vagrancy are: (a) no work; (b) no home; (c) no money. These elements do not constitute culpable vagrancy, in the minds of most magistrates. The culpable element is: (d) no intention of working, or, in other words, intentional idleness.

The difficulty of proving intentional idleness in the case of the person arraigned on the charge of vagrancy results in the frequent discharge by magistrates of such persons, or in their commitment to jails upon very short sentences, or on suspended sentence, on condition that the arraigned person leave town within a certain number of hours. Punishment, being thus inconsistent and spasmodic, does not reduce vagrancy, works unjustly, and fosters an anti-social feeling in the wanderers, besides creating the well-founded impression in the minds of the intentionally idle that they can live as beggars and tramps in idleness more cheaply and easily than by working honestly for their living.

It is impossible to estimate even approximately the number of vagrants in the United States. Nor has such an estimate any value, once conceded that the number is enormous. The cities of the eastern and central states shelter a large floating population of penniless, homeless men, many of whom are bent on continuing their vagrant existence, refusing work, and preferring to beg and pilfer. Some students of vagrancy have hazarded the estimate that the number of vagrants in this country amounts to at least 500,000. In New York City alone, during the winter months, a conservative estimate would show at least 50,000 men who lead a day-to-day existence. Other large cities, like Philadelphia, Boston, Chicago, St. Louis, and Kansas City are the winter abodes of large numbers of homeless men who at the most are able to provide themselves with but the means of a precarious existence. It is probably safe to affirm that no city of any size in the United States is without its vagrancy problem, which is undoubtedly in most cities becoming each year more acute.

No study has been made of the cost to this nation of vagrancy. In 1907, at the National Conference of Charities and Correction, a representative of one of the leading railroads of the country stated that a conservative estimate of the annual loss to American railroads, in property destroyed or stolen, and in delays, injuries, deaths, etc.,

due to vagrancy, would be at least $25,000,000. Ultimately, the consumer pays for the losses of the railroad, through increased freight charges, or by rates that with less loss might be reduced.

The fact that in the United States "tramps don't tramp, they ride," will surprise many visitors from European countries, where stringent laws effectively prohibit trespass upon the railroad right of way. In this country, on the other hand, the railroads are the principal avenues of transportation for vagrants. If the illegal use of railroads by vagrants could be effectually prohibited, the reduction of vagrancy in this country would be marked.

The cost of vagrancy to society in general is large. Almshouses, hospitals, jails, workhouses, and other institutions shelter the vagrants in large numbers, particularly in winter. The commitments to penal institutions in the United States show that intoxication leads the list of commitments, with vagrancy the second most prominent cause (twenty per cent of all commitments).

The cost of vagrancy to the individual citizen is large, but impossible to determine. Beggars are numerous in cities and in rural districts. The tendency of the American to "give the under dog a chance" is accompanied by a disinclination to question as to what sort of a chance the under dog deserves. A vast amount of money is given in the course of a year in indiscriminate charity on the streets and at the doors of houses.

The cost of vagrancy to the vagrant himself is obvious to every one who sees the wretched life lived by the "hoboes" in the country and in the cities. One instance stands conspicuously for many. Every year more than five thousand trespassers are killed on American railroads. A majority of these trespassers are tramps and vagrants, illegally using the railroad for tramping, or for traveling from place to place upon passenger or freight trains without paying fares. Over five thousand trespassers are seriously injured on American railroads every year. Cripples and maimed tramps necessarily become beggars. The denizens of the cheap lodging houses contract disease and undergo demoralization. The vagrant becomes antisocial, and in return society shuns him, although it provides as yet no adequate chance for his possible redemption.

American vagrants are by no means a homogeneous class, although probably fifty per cent of the men on the road are American born. Homogeneity extends only to attributes of homelessness, pennilessness, and worklessness. The majority of active vagrants and tramps are between the ages of fifteen and twenty-five. The

unrest which is a characteristic of the American temperament impels untold thousands of the young men of this country to wander, to seek work elsewhere, and to taste the multifarious temptations of urban life.

In general the vagrants of this country fall into three large groups: (1) those who are young; (2) those who are in the early prime of life; and (3) those who are beyond the point of being industrially useful.

The first class, or tramp class, are young, able-bodied, capable of doing productive work of a fairly skilled kind, or competent at least to do much unskilled work. Their unfitness for industrial life is due largely to their instability and their lack of industrial training, not to their physical incapacity. They tramp or ride from city to city, and are fond of the "lure of the road."

The second, or so-called "hobo" class, are men generally from twenty-five to thirty-five years of age, who work at short or casual jobs; they go less frequently from place to place; they are idle during periods of voluntary unemployment or inebriety. They are the first men to be discharged when work is slack, and the last to be taken on again. Accidents, illness, spent vitality, unsanitary living and housing conditions, wretched working conditions, add a considerable proportion of men to this class of vagrants, who are distinguished from the boys and the younger men of the road in that the latter are lured to the road more frequently by unrest, wanderlust, and juvenile traits, while the older men become vagrants more largely because of industrial causes, or causes due to the inadequacies of our social system.

The third class of vagrants, who are dubbed by the men on the road the "bums," are shiftless, profligate beings, mendicant and thievish in tendencies, intentionally idle, habitués of the common lodging houses of the cheapest kind. They confine themselves largely to cities like New York, Chicago, Boston, Philadelphia. They are so far along the road of intentional vagrancy that the chances of restoring them to industrial efficiency are small indeed.

The causes of vagrancy are practically the same as the causes of poverty. Roughly, they may be classified as industrial, governmental, and individual. No sharp line of distinction can be drawn.

Under industrial causes may be cited, among others, those conditions that throw men out of work, such as seasonal trades, dislocated trades, industrial depressions, strikes, lockouts, industrial

accidents and diseases, overwork, unsanitary conditions of work, premature work of children.

Under governmental causes may be cited those conditions that are the result of an inadequate supervision of factors producing poverty. Perhaps the leading social cause of vagrancy is the absence of adequate education. Institutional training, inadequate public school training, and the wrong kind of elementary and common school education are examples. It is a conspicuous fact in this country that the children of the middle classes and of the poor receive very little training in the public schools which would fit them for industries and trades after graduation, or on the completion of the required number of years of study.

Another governmental cause of vagrancy is the absence of supervision in daily life (which includes the absence of parental supervision as well). The life of children in the streets of the large cities, particularly in New York and Chicago; the newsboys' trade and the messenger trade; the absence of parks and playgrounds; the non-enforcement of compulsory education and truancy laws,—these are illustrations of the absence of adequate governmental supervision. Such absence of adequate provision is obvious, in the case of adults, in the lack of safeguards of health, labor, and recreation. Accidents and disease cripple thousands of honest workers, rendering their families dependent and themselves useless. The congestion of population in our large cities, which is coming to be considered as largely a result of inadequate planning and forethought on the part of the municipality, has been so poorly regulated that the living conditions of a very large proportion of unskilled and skilled workers are demoralizing and destructive of health and life.

Furthermore, the absence of provision for adequate, rational recreation of adults tends to divert adult energy, seeking recreation, into demoralizing, enervating, or illegal channels. The absence of general governmental or private provision for general insurance against disability, unemployment, and old age tends to make paupers and vagrants in the later years of life. The absence of restrictions against trespass on American railroads provides one of the greatest temptations to vagrancy. The absence of adequate punishment for intentional vagrancy, through courts and imprisonment, makes the profession of vagrant one of little risk to those who are attracted by such a life of slothful idleness.

Certain causes may be called predominatingly individual, such as intemperance, gambling, vice, laziness. Even in these cases the

searcher after fundamental causes will find them but the result of other causes which in the main are industrial or governmental. Yet there are undoubtedly many instances of deliberate choice of an evil by those whose intelligence enables them to recognize the alternatives.

The present treatment of vagrants is characterized, in general, by its temporary and inadequate nature. In individual instances, or to a slight extent in certain industrial homes or missions or charitable organizations, very earnest attempts are made to save the individual man from his vagrant habits. But it is generally recognized that the treatment of vagrancy, either charitably or correctionally, has not yet reached a stage where the results can be called adequate.

The treatment of vagrancy is charitable and correctional. Charitable treatment is given by means of breadlines, missions, woodyards, municipal lodging houses, wayfarers' lodges, industrial homes, charity organization societies. Correctional treatment is administered by means of court arraignment, suspended sentences, sentences to jails, workhouses, houses of correction or penitentiaries. A form of treatment considered partly correctional and partly charitable is given by means of the so-called police-lockups and station houses in many rural and urban districts.

Breadlines. These are found regularly only in New York city, where a prominent bakery and a leading rescue mission for homeless men distribute nightly a piece of bread and a cup of coffee to any man who takes his stand in a waiting line. No questions are asked, each man receiving his dole so long as the provisions hold out. In winter several thousand men a night are fed in this manner. Charity organization societies and similar organizations have made vigorous protests against this form of indiscriminate charity, claiming that the treatment tends to pauperize the recipients, while not even alleviating real need save in the most temporary fashion. Breadlines have not extended permanently to other cities, so far as the writer is aware, although in hard times there is a natural tendency to distribute food and drink to men in this spectacular fashion.

Missions. Religious missions for the reclamation of homeless men are to be found in nearly all American cities. In the larger cities many missions exist. They are of several kinds. Some maintain religious services alone, some maintain a lodging house for homeless men in connection with the mission, and some maintain also a woodyard. Many missions make some effort to find employment for the converts. The services, held every night, are very much alike in

all missions. Fervid exhortations to the homeless to reform their ways, the recital of "testimonies" of former drunkards and vagrants who have been "saved," and an occasional testimony from a new voice, are followed by special individual consultations with those who profess conversion. Many missions supply their most recent converts with bed tickets for a neighboring lodging house, and tickets for meals. This custom tends to create the class of vagrant known as the "mission rounder." The managers of missions are fully aware of the hypocritical nature of much of the testimony given at the meetings, but believe that among the professed converts are a proportion of those who honestly seek to be saved, and that the distribution of meal tickets and bed tickets is justified in view of the occasional "lost sheep" that is thus brought back into the fold.

The type of mission that maintains also a lodging house and woodyard, that requires able-bodied men to work for their care, is, in the opinion of competent judges, accomplishing much more of permanent value for the men for whom the missions are founded. In some cities this kind of mission supplies practically the only form of work-test for men applying for shelter and food.

Municipal Lodging Houses. In many American cities the municipality has established free shelters for homeless men and women. These structures range in size and equipment from the magnificent new municipal lodging house in New York City, equipped to lodge and feed under most modern sanitary conditions eight hundred homeless men and women a night, to the simple building in many of our cities, where food and shelter can be given under the plainest conditions to twenty or thirty persons.

The municipal lodging houses are the outgrowth of protests in many American cities against the practice of lodging homeless men and women in police stations over night. The routine treatment given by municipal lodging houses is the following: Men and women making application for food and shelter are questioned briefly as to previous employment, length of time in city, nationality, plans, etc. The supper is simple, consisting of coffee and bread, and sometimes stew. Bathing is compulsory, generally by means of shower baths. Clothing is disinfected over night. Each lodger is loaned a night-shirt, which must be returned in the morning. The lodgers sleep in dormitories. The breakfast consists generally of coffee, bread, oatmeal, and sometimes stew.

Municipal lodging houses have little permanent effect upon the vagrancy problem. Their treatment is temporary. Their per capita

per diem cost ranges from about eighteen cents to eighty cents, according as the municipal lodging houses conduct a woodyard or not. Some municipal lodging houses make earnest efforts to secure employment for able-bodied lodgers.

INDUSTRIAL HOMES. The Salvation Army and the Volunteers of America maintain industrial homes for homeless men, enabling the more able-bodied vagrants and homeless men to stay several weeks at these shelters, in return for a moderate amount of work performed daily, consisting generally of sawing or splitting wood, baling paper, mending furniture, etc. In some of the industrial homes simple trades are taught, such as mattress making. The industrial homes offer a much better chance to the homeless men than do the municipal lodging houses to recover from the effects of vagrancy or inebriety, but it is very doubtful whether the results of such homes are great. Neither the Salvation Army nor the Volunteers have been able to present statistics of results which would convince the student as to the marked success of this treatment. The men soon leave the homes for employment which in the nature of things the managers of the industrial homes often do not have the time nor the money to investigate.

Many similar homes are maintained by religious or semi-religious bodies, churches, etc., and accomplish similar results. Many individual cases of regeneration are known, and the industrial home plan is probably the best existing plan in this country for the reclamation of the homeless man.

CHARITABLE SOCIETIES. All charity organization societies are called upon to face the problem of dealing with the vagrant. Many of the societies maintain a woodyard, some a lodging house. Earnest efforts are made in individual cases of homelessness to restore the man to work or to friends. Sometimes considerable sums are expended, but the societies recognize the temporary character of their work.

CORRECTIONAL TREATMENT. This treatment is in no sense reformative or a solution of the problem of vagrancy. Intoxication, vagrancy, and disorderly conduct cause over half the commitments to penal institutions in the United States. These three causes of commitments are very similar. The correctional treatment of intoxication is generally a very short sentence in a jail or house of correction. The same may be said regarding vagrancy. The jail system of the United States is undoubtedly the weakest link in its prison system; therefore, it cannot be expected that vagrancy is going to be reduced

or corrected by that system. Few commitments for vagrancy to penal institutions are for more than six months. The great majority of commitments are for periods less than two months. Idleness and demoralization prevail in the jails and houses of correction, and undoubtedly many a man committed for vagrancy comes forth from the correctional institution worse in character and health than when he entered.

THE LABOR COLONY PLAN. In New York state a bill was introduced into the legislature of 1909, providing for a compulsory labor colony upon the plan of Witzwyl, with such modifications of the Swiss plan as are necessitated by American conditions. The bill provided that habitual vagrants and tramps in New York state should be committed to this colony upon an indeterminate sentence, not to exceed two years, and that in the institution they should be taught agriculture, horticulture, and industries. There should be classification similar in general respects to the Elmira plan of classification. The bill did not pass the senate. It will be introduced in 1910, and undoubtedly each year until it becomes law. Public sentiment seems unanimous in its favor, the senate committee on finance not reporting it out because of the alleged necessity of economy. A bill was introduced in 1909, and passed May, 1910, granting permission to New York City to establish a Board of Inebriety which shall have power not only to maintain an extensive system of probation for inebriates, but also to maintain a hospital and a farm colony for the treatment of inebriates. Inebriety and vagrancy are naturally closely allied, and it is felt in the state of New York that the establishment of these two types of institutions above mentioned would go far to bring in a new day in the consistent treatment of vagrancy.

The State Farm in Massachusetts, often cited as a farm colony for vagrants, is not such an institution in the European acceptance of the term. It is rather a well-conducted workhouse. Little reformative value attaches to the work done, which is industrial as well as agricultural. Its effects are deterrent. Little individual interest is manifested in the inmates.

Voluntary labor colonies have had but a very rare and intermittent existence in this country, and there are no statistics to show to what extent the few attempts have proved successful in the reformation of vagrants.

THE FUTURE. It is becoming recognized that vagrancy is not at all a local problem, but a national one. Even more perhaps

than for any other type of transgressor of the law, the rational and successful treatment of the problem requires co-operation in action on the part of many communities. The tendency is toward the construction of municipal lodging houses in cities not now possessing them. Woodyards are being established, and also industrial homes. The railroads, recognizing vagrancy as a serious economic problem, are urging more stringent trespass laws and the enforcement of law. A number of states are considering the feasibility of compulsory farm colonies. Cleveland, Ohio, has recently established a correctional farm in place of its former workhouse. The state of New York is being watched by other states, to see what results may be obtained from its agitation for a labor colony.

Free Employment Bureaus. Many states maintain free employment bureaus. An official report of the Department of Commerce and Labor, in 1907, stated that the free employment office must be regarded thus far as an experiment, with some failures, many mistakes, and several successes. The failures have not been upon fundamental points, and the mistakes are believed to be preventable.

It is probable that in states where the demand for labor is considerable and wages are high, at least during certain parts of the year when seasonal occupations exist, the free employment bureau becomes an important center of distribution. In eastern states it may be questioned whether the free employment bureau accomplishes distinct results that would not be accomplished by private employment bureaus under strict governmental supervision. Nevertheless, the tendency seems toward increased inter-relation of employment bureaus for the penniless unemployed. In the winter of 1908–1909 the National Employment Bureau was established in New York City, after a careful investigation had been made by Dr. E. T. Devine, General Secretary of the New York Charity Organization Society, of unemployment throughout the United States. The theory of the new employment bureau is that much of the difficulty of solving unemployment problems comes from the lack of mobility of labor. The demand for labor exists in one part of our country and the supply in another. The need is obviously that the two factors shall be brought together. The National Employment Bureau, financed by a number of men of means, has started modestly, but if justified by results, will seek to establish similar agencies in other cities. In short, the plan contemplates an inter-relation of agencies similar to the labor bureaus of Germany.

CONCLUSION. If the foregoing outline of efforts for the prevention of vagrancy seems disconnected, it is because the efforts to reduce or even to treat vagrancy have been disconnected. In general it may be said that the United States has not as yet got beyond the "municipal lodging house stage" of treating the vagrant. Farm colonies (voluntary and compulsory) are in the future; labor exchanges are in the future; insurance against unemployment is in the future. Comparatively few persons are keenly interested in the vagrancy question, largely because social and charitable problems of far greater significance have engaged public attention.

Yet, students of charitable and correctional problems recognize the seriousness of this question, especially because with each year it becomes more obvious to the social workers of this country that the seeds of criminality and of degeneracy and destitution are in large measure sown in youth. Ultimately, the problem will be solved, if solved at all, not so much through the introduction of stringent laws, labor colonies, and labor exchanges, as through the many efforts made to save both adult and child from overwork and exploitation, and to protect the homes from disintegration.

The nucleus of a National Vagrancy Committee has been formed, but as yet has taken no part in a national campaign for the reduction of vagrancy. It was active in behalf of the labor colony bill in New York in the winter of 1908–1909, and will undoubtedly grow in strength within the next few years.

The social treatment of inebriates, alcoholic degenerates, and victims of drugs, so far as it involves the use of police, courts, prisons, jails, and forced labor colonies, belongs in another volume of this series.*

There are many voluntary "retreats," hospitals, sanatoria, and homes for the medical treatment of alcoholic victims. Certain methods which have zealous advocates, and which a layman in medical science ought not finally to judge, are declared by some physicians to be perilously near the border of quackery.

Without doubt these voluntary methods, when well administered, secure good results in the case of men of worthy purpose, strong constitution, and steady will; but they usually fail lamentably with persons whose whole physical nature is thoroughly poisoned by alcohol and drugs. For these a measure of control and prolonged deprivation of liberty are necessary.

* Penal and Reformatory Institutions.

AID TO PRISONERS AND THEIR FAMILIES

The treatment of prisoners conditionally liberated, whether released under suspended sentence on probation, or released on parole conditionally after serving a certain term in prison, belongs in another volume* of this series, because these persons are actually in the grip of our penal machinery. There is, however, a form of service which has high value as a means of preventing crime and which does not form a part of the correctional organization of the state. In many states the majority of convicted persons when discharged by the state are absolutely free to do as they please; they are not supervised and they are not helped by the public authorities. It is only those persons who are placed on probation under officers of the court under suspended sentence and those convicts who come under the provisions of the parole laws (so-called "indeterminate sentence") who derive the best help from the state. The convict on absolute discharge may be given a suit of citizen's clothing and a few dollars to pay his way for a short time, but this is not a serious or substantial help to an honest man, and it has no reformatory value in preventing recidivism of a morally weak offender. Without question the time must come when every discharged prisoner will remain under state supervision and control after he leaves the place of incarceration. This policy is demanded by the interests of public safety as well as by a sincere desire to improve the character of the convict himself. All the experience gained thus far in the supervision of men placed under a régime of controlled action points to the further extension of the practice.

Meantime voluntary associations offer their aid, and not only make up for a defect in the penal machinery of the state, but also supplement public action by the friendly, informed, and highly personal assistance of earnest and sagacious friends of convicts. No matter how far the state advances it will never be able to secure the best results without the aid of private societies. The private societies can adapt their methods to the peculiar dispositions of the individual convicts. Thus an independent society can best secure the cooperation of persons of the same language, race, nationality, and calling as those of the discharged prisoner.

In the employment of religious appeals the private society has great advantages. The church, especially the Catholic church, has

* See The Released Prisoner, by Mr. Amos W. Butler, in the volume entitled Penal and Reformatory Institutions.

an influence over its wayward members which no state agency could exercise; and in many cases a beneficent influence can be brought to bear by representatives of other religious bodies. Restoration to normal social relations is one of the most essential factors in preventing a return to the associations and temptations of the criminal world. Men usually follow the line of least resistance. Shut the door of hope in the face of an offender and his very despair compels him to return to his desperate trade. Give him an opportunity to practice a calling which he has been taught, and there is larger chance of his keeping good company.*

It is a serious question whether men of this class should be brought together in one house save for a short time, if at all. In favor of this method, which has been that of several associations besides the Salvation Army, it has been claimed that the institution is necessary for a temporary shelter. It is very difficult, sometimes impossible, to secure a place of employment quickly for a discharged convict. It will not do to let him wander and find boarding houses and occupation for himself. He is weak and cannot resist the solicitations of the vender of alcoholic drinks and of boon companions. To save him he must be offered a shelter the moment he leaves prison, and in many cases the state has taken no care of the situation; it is satisfied with chastisement. Furthermore, it is claimed that many discharged men require some kind of training in a special industry before they can secure employment. It is also thought by many that religious and moral persuasion may be made more effective when a considerable number of persons are congregated under the influence of zealous and devoted missionaries and have an opportunity of joining in acts of worship.

But several societies, after a trial of the institution plan, have abandoned it and the general tendency of opinion seems to favor other methods. The reasons assigned for opposing the congregate method and adopting the individual method are as follows: A company of discharged prisoners are very likely to come more under the influence of a shrewd and unscrupulous criminal than to be swayed by the counsels of pious men. It is impossible to prevent conversation. The halls and dormitories are apt to become comfortable resorts for a group of men who plot schemes of further crime. The worst convicts may play the hypocrite to mask their plans, and the home itself may cultivate hypocrisy. Thus Mr. F. Emory Lyon, Superintendent of the Central Howard Association, writes: "A Prisoner's Home

* Gautier: Voyage en Espagne, Ch. IV., pp. 134–136. Charpentier, 1908.

has many of the bad features of a prison, without its discipline. It is not wise to keep in close association men in a negative, discouraged condition. Men should be placed directly into a healthful employment and normal environment."

Perhaps the experiments made with private institutions, carefully managed, will reveal their usefulness for certain categories of inebriates under special conditions.

Mr. Lyon expresses a common view in America, that the voluntary societies should depend entirely on voluntary gifts from benevolent persons. "In this country in most cases where the society is in receipt of public funds there is neither the same interest and activity on the part of the society nor the same degree of interest on the part of the public as when the agency is supported wholly by voluntary contributions."

An interesting experiment, reported by Mr. J. E. Vining, to help discharged prisoners has been tried in Cleveland, Ohio. It is a Brotherhood of the delinquents themselves, who have been in the Cleveland Farm Colony. They have rented a house as a temporary home and spent in furnishing it $2,200. This association protects and watches over members until they secure work and become self-supporting. Up to February 26, 1909, the club had made a home for over 700 discharged prisoners since 1905, of whom over 75 per cent are leading honest, sober, upright lives, an honor to themselves and their families.

PROBATION WITHOUT SENTENCE, SUSPENDED SENTENCE, AND PAROLE

In order to avoid a fixed habit of anti-social conduct it is important that young persons and even adults free from a record of crime shall be preserved from making a record in the criminal courts. The reasons are obvious and decisive. The very fact that a person's name has been written down in a court record, open to the public, as a convict, has a depressing and discouraging influence on the man's own mind. Something of self-respect and of moral courage is subtracted from his spiritual resources. Faith in himself is undermined, and he yields all the more easily to the next onset of temptation. Other consequences are connected with imprisonment, which is everywhere socially more disgraceful and damaging than a fine. The associates met in the lockup and jail gain a maleficent influence over their temporary companion in misery. Criminals often succeed in making an inexperienced youth believe that henceforth he is one

of them and must cast in his lot with them. They praise him for the daring, the foolhardiness, the cunning which he has shown, for the alcoholic debauch through which he has passed. They cynically sneer at his scruples and flatter him for his courage in a bad cause. They paint the delights of a life of liberty, free from conventional restraint, yet spiced with risk and adventure. One day and night in such company has been enough to turn a vacillating offender, in the very moment intended by the legal authorities for penitence, into a determined enemy of society. It is only too easily represented to him that he has lost the confidence of his employer and the esteem of his most worthy acquaintances. He already knows something of what he must meet, and the adepts in vice even exaggerate the difficulties of his return to legitimate industry.

Furthermore, moneyless men thrust without sufficient reason into city houses of correction are cut off from their families and from the occupation which supports them. Multitudes of men have been thus incarcerated for intoxication and brawls, and their wives and children have suffered the pangs of hunger and cold, while the offender himself was warm, well fed, and comfortable in jail.

All these considerations have convinced a large number of careful and humane persons in all parts of the civilized world that some substitute for conviction and incarceration should be found for as many offenders as possible. Here the distinction between an "offender" and a "criminal" has very high value and may properly be insisted on. In relation to our subject of preventing crime its value cannot be overestimated. The suspension of sentence and the discipline of supervised liberty on probation cannot be applied to habitual criminals nor to thoroughly degenerate inebriates and victims of depraving drugs. The policy of probation assumes a certain measure of self-control, self-respect, sense of responsibility, regard for good name, and care for the future. Indiscreet attempts to extend the measure beyond its legitimate and restricted sphere have provoked reaction and imperilled the whole movement.

Under the ancient common law the courts which had cognizance of offenses have always had a certain liberty to use discretion in the application of the law. Under the rather vague title of "extenuating circumstances" the judge could exercise his judgment within restricted limits. Arbitrary decisions were condemned and the court must observe the limits set by statutes and decisions of authoritative courts. Many a culprit has been dismissed with counsel and warning under this power of judicial discretion.

But when the conception of the educational function of the court became more clear and the idea of mere retributive penalties was retired into the background, some more definite statutory regulations were required, not only to give flexibility to the penal law, but also to prevent abuses, partiality and license in the exercise of judicial discretion. The recent statutes passed on the subject therefore have a natural genesis in the common law, but they are specially framed to give form and power to the modern conception of social protection and individual treatment.

The principles, history and results of this system are discussed in another volume of this series. The matter is mentioned here only to emphasize the fact that this measure has shown remarkable success in preventing the return of convicts to criminal associations and habits.

In connection with both parole and probation work there is a wide field for the voluntary co-operation of individuals and associations, such as those mentioned in the closing chapter.

VI

LAW, COURTS AND GOVERNMENT

ANTI-SOCIAL conduct is provoked by unjust laws or by faulty administration of law. Ignorance of state legislation and municipal regulations increases the difficulty. Prevention of offenses in this sphere of social conduct must, therefore, take the form of improvements in the law or its administration, in imparting to the people a knowledge of their legal duties and rights, and in helping the people secure those advantages which the law is designed to provide for every citizen.*

In all countries and in all ages the "law's delays" have been proverbial, and from time immemorial the gilded hand would shove by justice, whose strong lance breaks hurtless on sin when it is plated with gold. These complaints are heard also in America, where the temptations to commercial wrongs are colossal. But the complaints themselves are evidence of a sensitive conscience and a deep and abiding purpose of the nation to free itself from evil even when entrenched behind wealth and precedent. The aim of our courts is justice, and the most representative members of the bar are precisely those who are rendering the most active and the most effective service in liberating the nation from inherited wrongs done in the sacred name of law and justice.

IMPROVEMENTS IN LAW, PROCEDURE AND JUDICIAL ADMINISTRATION

There is a universal belief among laymen who have studied the matter that there are in many of our laws themselves and in the procedure of courts, factors which incite to crime, and this conviction of laymen is shared by many competent men in the legal profession. No doubt many of the lay criticisms of courts and lawyers are wide of the mark, are based on ignorance of the law and of the history of its development and of past experience. But it would be folly for

* Mr. Eugene Smith deals with the same topic in another aspect in his Criminal Law in the United States, in another volume of this series. We have here to emphasize improvements in legislation and administration as conditions of *prevention* of crime.

conservative men to hold fast to all the past has bequeathed to us. Our ancestors, even the men of highest learning and genius, were but fallible men; we respect them without feeling obliged to regard them as divinely kept from all error. Furthermore, society has advanced in knowledge, has come into new economic conditions, is compelled to meet new problems, and the science of law is itself a living organism capable of adjusting itself to new environments. If it were not thus adjustable it would, like all dead things, be buried in contempt. A true conservatism is far removed from blind obstinacy, stupid prejudice, petrified adherence to formulas; it seeks to apply eternal principles of justice and all the conclusions of experience to modern requirements. Happily, this view is held and powerfully urged by many of the splendid representatives of the legal profession. But that much remains to be done will appear from the strong statements of able lawyers who have given special study to this matter.

That there is great and urgent need of awakening in this field there can be no doubt. Those who are laboring to improve prison discipline and strengthen means of prevention deserve far more help from the legal profession than they have yet received, although it is only fair to add that many of the most important reforms have been suggested and aided by lawyers.

As a rule, American lawyers of ability detest criminal practice and avoid contact with criminal trials and all that comes after. Such practice is not lucrative and the associations connected with it are disagreeable. This may help to explain the fact that criminality has received too little attention from the majority of our most talented lawyers.

In making the demand for legislation which will meet the requirements of modern social science we are not asking for anything foreign to our fundamental law as expressed in classical documents and authoritative texts; we are in fact asking only for the removal of needless and irritating obstructions, for the fair and intelligent application of the fundamental principles of law to new problems, and for such legislation as is required to meet situations which our ancestors, though men of genius, could not possibly foresee.

To show that the most recent and advanced social legislation, so far as it is founded in exact knowledge of general welfare and happiness, is a legitimate child of our legal past, we cite the language of historic documents, which are honorable monuments of the genius and wisdom of our fathers who laid the foundation of our political and legal institutions.

In the consideration of the documents prior to the last quarter of the nineteenth century the reader should remember that our earlier legal writings were strongly influenced by the language and ideas dominant in the works of the political philosophy of the eighteenth century; for example, in Rousseau's Social Contract. This notion of a social compact has since given way before historical criticism, and we have gone far past the policeman's theory of government which once held sway. But in spite of the *laissez faire* doctrines of the earlier writers they had glimpses of a more positive, constructive, and civilizing function of government.

Some documents of great interest for our subject come from the colonial period of our history.

MAYFLOWER COMPACT. November 11–21, 1620. "According to Bradford, the Compact was adopted as an offset to the 'discontented and mutinous speeches' of some of the company, to the effect that when they landed 'they would use their own liberty;' for none had power to command them, the patent they had being for Virginia, and not for New England, which belonged to another government, with which the Virginia company had nothing to do."*

The Compact follows: "In the name of God, Amen. We whose names are underwritten, the loyal subjects of our soveraigne Lord, King James, by the Grace of God, of Great Britane, France, and Ireland King, defender of the faith, etc., haveing undertaken, for the glorie of God, and advancement of the Christian faith, and honour of king and countrie, a voyage to plant the first countrie in the Northerne parts of Virginia, doe by these presents solemnly & mutualy in the presence of God, and one another, covenant and combine our selves together into a civill body politick, for our better ordering & preservation & furtherance of the ends aforesaid; and by vertue hearof to enacte, constitute, and frame such just & equall laws, ordinances, acts, constitutions, & officies, from time to time, as shall be thought meete and convenient for the generall good of the *Colonie* unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cap-Codd the 11th of November, in the year of the raigne of our soveraigne lord, King James, of England, France, & Ireland the eighteenth, and of Scotland the fifty-fourth. Anno Dom. 1620."

CHARTER OF GEORGIA. June 9–20, 1732. MacDonald says of this charter: "Oglethorpe's sympathies having been enlisted on

* From Select Charters Illustrative of American History, MacDonald W.: The Macmillan Co., 1899.

behalf of the imprisoned debtors and discharged prisoners, he conceived the idea of establishing in America a colony where worthy persons of those classes could get a new start in life."

Quotation from Charter: "Whereas we are credibly informed, that many of our poor subjects are, through misfortunes and want of employment, reduced to great necessity, insomuch as by their labor they are not able to provide a maintenance for themselves and families; and if they had means to defray their charges of passage, and other expenses, incident to new settlements, they would be glad to settle in any of our provinces in America, where by cultivating the lands, at present waste and desolate, they might not only gain a comfortable subsistence for themselves and families, but also strengthen our colonies and increase the trade, navigation and wealth of these our realms, etc."* (Grant by George the Second to James Oglethorpe.)

ORDINANCE FOR VIRGINIA. July 24 to August 3, 1621. "An Ordinance and Constitution of the Treasurer, Council, and Company in England, for a Council of State and General Assembly. I. To all People, to whom these presents shall come, be seen, or heard, The Treasurer, Council, and Company of Adventurers and Planters for the City of London for the first colony of Virginia, send greeting. Know ye, that we, the said Treasurer, Council, and Company, taking into our careful consideration the present state of the said Colony of Virginia, and intending, by Divine Assistance, to settle such a Form of Government there, as may be to the greatest benefit and comfort of the people, and whereby all Injustice, Grievancies, and Oppression may be prevented and kept off as much as possible from the said colony, have thought fit to make our Entrance, by ordering and establishing such Supreme Councils, as may not only be assisting to the Governor for the time being, in the Administration of Justice, and the Executing of other Duties of this Office belonging, but also, by their Vigilant Care and Prudence, may provide, as well for a Remedy of all inconveniences, growing from time to time, as also for the Advancing of Increase, Strength, Stability, and Prosperity of the said colony."

MASSACHUSETTS—CONSTITUTION, 1780. *Preamble.* "The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights and the blessings of life; and whenever these great objects are not obtained, the people have a right to alter

* From MacDonald's Select Charters, etc. This might be called "An early movement for the aid of the unemployed."

the government, and to take the measures necessary for their safety, prosperity and happiness.

"The body politic is formed by a voluntary association of individuals; it is a social compact, by which the whole people covenant with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.

"We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the Universe, in affording us, in the course of His providence, all opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other; and of forming a new Constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following Declaration of Rights, and frame of Government, as the Constitution of the Commonwealth of Massachusetts."

MASSACHUSETTS—DECLARATION OF RIGHTS (1780).* "All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness."

The following documents date from the birth hour of our nation and from later times:

DECLARATION OF INDEPENDENCE. The unanimous declaration of the thirteen United States of America, in Congress, July 4, 1776.

"We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

CONSTITUTION OF THE UNITED STATES. September 17, 1787. *Preamble.* "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity,

* Stimson: Federal and State Constitutions of the United States, Chapter I page 75.

provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America."

The Constitutions of the several states of the Union echo the ideas and the language of the earlier documents.

CONNECTICUT. Constitution of 1818. *Preamble.* "The people of Connecticut, acknowledging with gratitude the good providence of God in having permitted them to enjoy a free government, do, in order more effectually to define, secure, and perpetuate the liberties, rights, and privileges which they have derived from their ancestors, hereby, after a careful consideration and revision, ordain and establish the following Constitution and form of civil government."

From the Declaration of Rights:

"That the great and essential principles of liberty and free government may be recognized and established, we declare:

"That all men, when they form a social compact, are equal in rights; and that no man or set of men are entitled to exclusive public emoluments or privileges from the community.

"That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. . . .

"The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State, provided the right hereby declared and established shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state. . . .

"Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty."

ILLINOIS. Constitution of 1818. Adopted at Kaskaskia in Convention, August 26, 1818. Laws 1819, Appendix.

"The people of the Illinois territory, having the right of admission to the general government as a member of the Union, . . . in order to establish justice, promote the welfare, and secure the blessings of liberty to themselves and their posterity, do, by their representatives in convention, ordain and establish the following Constitution or form of government, and do mutually agree with each other to form themselves into a free and independent state, by the name of the state of Illinois."

These preambles were written originally under the immediate pressure of the necessity of guarding the safety and liberty of the nation and of individuals, and the right of the people to alter and amend

their laws and government as required by changes in their conditions and beliefs. This once settled beyond controversy, the necessity for developing laws and administration to further all kinds of common welfare had a chance of consideration. We have long since ceased to dread the tyranny of rulers, and we have defined the actions which are forbidden; there remains the vastly more important and difficult task of building up laws, with suitable administrative methods, for positively furthering the physical, economic, moral and intellectual well-being of all the people. It is here that the traditionalism of courts frequently clashes with the demand of the people to make such laws as will "promote the general welfare"; and it is here also that the United States is making rapid progress within recent years.

AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY

We call attention in this connection to a movement of great significance: the founding of the American Institute of Criminal Law and Criminology. In the Preliminary Prospectus of the National Conference of Criminal Law and Criminology held in Chicago, beginning June 7, 1909, in celebration of the fiftieth anniversary of the founding of the Northwestern University School of Law, the following language is found:

"Instead of the conventional exercises on such occasions, it is desired to signalize the anniversary by a public service, by something of permanent value and general usefulness. Criminal law and preventive, police and penal administration, afford a conspicuous opportunity for such a service. Many today are contending that our American criminal law and administration fail adequately to protect society and are ineffective as a corrective system. The importance of investigating these criticisms and the proposed remedies is now generally recognized. Moreover, the sciences of criminal anthropology and sociology are calling for a re-casting of ideas the world over, and are making it evident that legislation and legal process in the future must be founded upon a scientific study and understanding of matters to which the legal profession and the public are only just beginning to give attention. A thorough reconsideration of criminal law and procedure in the light of the several sciences that contribute to criminology must take place in the not-distant future. The best means for furthering this purpose and that of insuring that it be undertaken with system and intelligence, would seem to be a national conference, at which ideas may be exchanged,

differences among those who approach the subject from diverse standpoints may be adjusted, and a propaganda may be organized for the spread of accepted principles and the study of suitable revisions of criminal law and procedure. Such a conference might well end in a national society for these purposes. To these ends it is proposed to bring together in a national conference the leaders among those interested in criminal law, criminal procedure and criminal-law administration, whether as judges, lawyers, prosecutors, prison superintendents, police officers, alienists, criminologists, psychologists, or sociologists. It is believed that an immediate effect will be to stimulate public interest in problems of criminology, criminal law and criminal procedure, in itself an important beginning toward a sound basis for legislation and reform." This conference proved to be remarkably successful.

The Institute was organized on June 8, 1909, in Chicago, as the result of a National Conference on Criminal Law and Criminology, held on June 7 and 8. The committee which called the conference met for the first time in December, 1908. During the ensuing six months it prepared for the conference by sending personal invitations to nearly five hundred persons known to be expert workers in the various fields. . . . The conference was attended by nearly one hundred and fifty delegates, coming from states as far apart as Massachusetts, Louisiana, California, and Idaho. They voted to organize for permanent work. The resolution of organization is as follows:*

1. Resolved that the conference form itself into a permanent national organization. 2. Its name shall be the American Institute of Criminal Law and Criminology. 3. Its object shall be to further the scientific study of crime, criminal law and procedure, to formulate and promote measures for solving the problems connected therewith, and to co-ordinate the effort of individuals and of organizations interested in the administration of certain and of speedy justice.

Membership. The organization is intended to be both a national and a local one. . . .

Members of the National Institute will pay annual dues of $5; this will include the price of the subscription to the journal to be established. Members will also be grouped and organized into local

* Bulletin Number One, July, 1909.

American Institute of Criminal Law and Criminology, Edwin R. Keedy, Secretary, Northwestern University Building, 87 E. Lake street, Chicago, Illinois. President: John H. Wigmore, Chicago, Illinois (Professor of Law in Northwestern University).

branches, by cities, counties, or other districts, for local work and meetings; the local branches will fix their own dues, and elect their own officers."

The work of the Institute for the first year has been mapped out and assigned to several committees. These committees are of two sorts—general committees and section committees. The latter have charge of the investigation of topics assigned for consideration at the next annual meeting of the Institute. The former have charge of measures of general importance to all parts of the work.

Out of the one hundred and seventy-five topics submitted to the conference for consideration and assigned to section committees for selection, sixteen were reported back to the conference as of prime importance for immediate attention. These sixteen were assigned to the executive board for further selection. The board selected five. These five topics, which the committees are charged to investigate and report upon at the next annual meeting, are as follows:

A. System of Recording Data of Criminals. "Investigation of an effective system for recording the physical and moral status and the hereditary and environmental conditions of delinquents, and in particular of the persistent offender; the same to contemplate, in complex urban conditions, the use of consulting experts in the contributory sciences." Edward A. Ross, Madison, Wisconsin (sociologist), chairman.

B. Drugs and Intoxicants. "Investigation of the influences attaching to the traffic in drugs and intoxicants as a widespread excitant to instability, in turn provocative of crime." Sidney I. Schwab, St. Louis, Missouri (physician), chairman.

C. Probation, Parole, Pardon and Indeterminate Sentence. "Investigation of the most advisable methods of establishing and extending the allied measures of adult offenders' probation, of parole, of indeterminate sentence, and of suspended sentence, including a consideration of (1) the results of such measures hitherto used, (2) the organization of boards of pardon and of parole and officers of probation, and (3) correlation of such boards and officers with courts and court methods." Wilfred Bolster, Boston, Mass. (judge), chairman.

D. Organization of Courts. "Investigation of the possibilities of the unification of the state and local courts, so as to do away with the burdensome costs of transcripts, bills of exceptions, writs of error and so forth, allowing the appellate tribunal to pass upon and use the same papers and the original evidence and comments used at the

trial, and to take further evidence on formal matters or matters not controvertible for the purpose of upholding judgments."

E. Criminal Procedure. "Investigation of the feasible methods of (1) simplifying pleadings in criminal cases, (2) eliminating unnecessary technicalities in the procedure of appeals and reversals of judgment in criminal cases." Roscoe Pound, Chicago, Illinois (professor of law), chairman.

As a sub-committee on the investigation of European methods:
Everett P. Wheeler, New York City (lawyer).
J. W. Garner, Champaign, Illinois (professor of political science).
Charles R. Henderson, Chicago, Illinois (professor of sociology).
Marcus A. Kavanagh, Chicago, Illinois (judge).
G. C. Speranza, New York City (lawyer).

General committees were appointed, as follows:

1. Committee on Co-operation with other Organizations.
2. Committee on Translation of European Treatises.
3. Committee on Establishment of a Journal.
4. Committee on Statistics.

The resolution that called for the appointment of the fourth committee follows:

"Whereas, there is a widespread and increasing popular desire to understand and perfect the criminal law of our country and a growing belief that some of our methods are capable of improvement, And Whereas, full and reliable information regarding the actual administration of the criminal law, both federal and state, is necessary to wise and efficient legislation and administration;

"Resolved, That this conference urge upon Congress to provide for the collection, through the agency of the Census Bureau, of criminal and judicial statistics covering the entire United States as early as practicable."

On the necessity of the reforms urged by this Institute we cite the language of a teacher of law whose ability has national recognition:*

"When Coke for the judges of England told James I that he ruled *sub deo et lege*, when the Continental Congress resolved that the several colonies were entitled to the common law of England, the common law side was the popular side. But today the popular side is not that of the individual, but that of society. Today for the first time, law finds itself arrayed against the people; for the first time instead of securing for them what they most prize, they know

* Pound, Roscoe: The Spirit of the Common Law.

it chiefly as something that continually stands between them and what they desire. It cannot be denied that there is a growing popular dissatisfaction with our legal system. No amount of admiration for our traditional system should blind us to the obvious fact that it exhibits too great a respect for the individual and for the intrenched position in which our legal and political history has put him and too little respect for the needs of society, when they come in conflict with the individual, to be in touch with the present age."

In a letter, February 23, 1909, Professor Pound says:

"Delay and expense in legal procedure, fostered by our archaic judicial organization and obsolete judicial procedure, undoubtedly weigh heavily upon the workingman in every legal contest with the employer. A movement is well under way to correct this. The American Bar Association has had a committee for two years to study this subject. . . .

"I think I see also the beginnings in this country of a sociological school of jurists, such as is so well marked in Europe. . . . Recently the Court of Appeals of New York, which is probably the most conservative tribunal next to the Supreme Court of Illinois in the country, has indicated a tendency to take a sociological point of view. In People *v.* Strollo, 191 N. Y. 42, 69, by a divided court standing four to three, the following was approved: 'Under a judicial system which has for centuries magnified the sacredness of individual rights, there is much less danger of doing injustice to the individual than there is of overlooking the obligations of those in authority to organized society.' . . ."

That our laws require careful revision in the light of wider knowledge of social conditions in order to make them more just is a view sustained by eminent legal authorities. Thus, on page 433 of the *Illinois Law Review* for February, 1909, Professor John H. Wigmore, in an article concerning Professor Muensterberg and the Psychology of Evidence, says in effect that no country in the civilized world is probably so far behind as the United States in the scientific study of the criminal law as affected by the contributory sciences of sociology, anthropology, psychology, and medicine. In no country has the legal profession taken so little interest in finding out or using what those other sciences are doing. The lawyers have left it all to the prison officials, the charitable societies, the sociologists, the physicians; but their own help, though indispensable, they have withheld as a profession. In Europe are a dozen monthly journals devoted exclusively to criminal law, five or six of them given exclu-

sively to the modern science of Criminology; some of them are twenty years old; some are published in Russia. In the United States not one such journal exists,* and the American Bar Association, though having fifteen standing committees on other subjects, has not one on this.

With absolute distinctness, and with the highest judicial and executive authority, President Taft, in a speech at Chicago, Sept. 16, 1909, stated the need of reform and his own high purpose to use his influence to secure these reforms:

"Our friends of the great unions at times complain of our courts, more perhaps because of the decisions in injunction cases than for anything else. I have already referred to this particular phase of litigation in which they have an interest, but when the subject of courts is mentioned, it suggests to me a larger field for complaint and reform in which all citizens are interested and have a right to be heard.

"There is no subject on which I feel so deeply as upon the necessity for reform in the administration of both civil and criminal law. To sum it all up in one phrase, the difficulty in both is undue delay. . . . I am sure that this failure is not due to corruption of officials. It is not due to their negligence or laziness, though, of course, there may be both in some cases; but it is chiefly due to the system, against which it is impossible for an earnest prosecutor and an efficient judge to struggle."

That the American Bar Association is now awake to the importance of this matter is shown by recent action in that body:†

The committee seeks such reform that procedure "will enable the court to decide questions in controversy promptly and upon the merits. . . . Our object is to provide that as far as possible, when the jury is impaneled and the witnesses are present, the questions of fact should be submitted to the jury for their decision, leaving the consideration of the questions of law involved in the case for subsequent and more deliberate judgment. It is an abuse to permit upon the trial the elaborate argument of questions of law. The lawyer under the color of making an argument on a question of law to the court, often really addresses himself to the jury and makes an argument intended to reach their ears and influence their minds before the summing up. The temptation to do this should be removed. They have gone to this extent in New Hampshire (and counsel in that state find

* Since this was written the Journal of the American Institute of Criminal Law and Criminology has been established. The first number appeared May, 1910.

† Report of the Special Committee to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation.

it a great advantage) that the jury assess the damages finally on the first trial. If fatal errors of law have been committed on that trial, the court has power to order a new trial on the other issues. But the verdict as to the quantum of damages stands. . . . The frequency of our new trials is not at all a common law phenomenon, and it is not a system upon which trial by jury can be defended. The whole theory of the jury trial rests upon that proposition that *recenti facto* the witnesses are called, give their evidence, the jury see the witnesses, hear their story and then pass on the facts."

The committee quotes a criticism made by the New York Court of Appeals: "There can be no doubt but the learned courts below, both at trial and general term, were actuated in their course by most praiseworthy motives, fully believing that they were promoting good morals, honesty and justice, but the question is, Was their holding in accordance with the law?" The committee adds: "A distinction ought never to exist between honesty, morals and justice on one side, and law on the other. . . .

"It has been objected that the propositions of the committee . . . impair the right of trial by jury. On the contrary, we give it full effect. It gives more sanctity to the jury trial to have it ordinarily final. Let the jury dispose of the questions of fact, get them entered on the record by special findings, and then let the case go up on that record. That was the original theory upon which the framers of the English system of trial by jury proceeded. . . . We would give the verdict of the jury the same effect that theoretically it has now, but which, under the present procedure, it really does not have. We would obtain a finding on the facts. This finding would be entered on the record.

"It is part of the proposition which has already received the approval of the association, that no judgment shall be set aside or reversed, or new trial granted for error as to any matter of pleading or procedure, unless it shall appear that the error complained of resulted in a miscarriage of justice. . . .

"In the matter of official stenographers in the federal courts, to be paid by the United States, we think no argument is necessary to establish the fact that there should be adequate legislation therefor. The universal practice of the profession has demonstrated the indispensable character of stenographic reports of legal proceedings. So essential have stenographers become to the facilitation of judicial proceedings, that every state in the Union, except Illinois, Tennessee, and Washington, has statutory provisions for official stenographers.

. . . The expense of appellate proceedings is greatly and unnecessarily enhanced by the existing practice of filing in the appellate court a written or typewritten transcript of the record below. The practice is a survival from the time when the number of judges in the appellate courts was smaller, and the cost of printing much greater than at present, when printed records were not required, and when a single written transcript of the record below served all the purposes of the reviewing court. . . . Printing has merely been added to the former requirements, instead of taking the place of the written transcript. . . . The committee propose that the expense of this copying of records be avoided by eliminating the written or typewritten transcript. . . .

"The first principle which the committee desire to submit is that of unification of the judicial system:

"I. The whole judicial power of each state, at least for civil causes, should be vested in one great court, of which all tribunals should be branches, departments or divisions. The business as well as the judicial administration of this court should be thoroughly organized so as to prevent not merely waste of judicial power, but all needless clerical work, duplication of papers and records, and the like, thus obviating expense to litigants and cost to the public. . . . The system of committing petty causes to justices of the peace, subject to appeal to some superior court, and review of its judgment by a court of appellate jurisdiction, is too often a denial of justice to the weaker litigant. It compels men to forego just claims against those who can afford to litigate to the end. . . . Petty causes demand good judges no less than causes involving larger sums. The judges to whom such causes are committed ought to be of such caliber that but one review should be necessary, and that confined to questions of law. The original reason for our present system was the desire to bring justice to every one's back door in his own locality at a time when communication was slow and difficult. Under present conditions of travel the result may be reached in another way. A county judge, or a number of county judges, may go to every part of a county to try causes and dispatch business, and there may be as many local offices for filing papers and beginning causes as business may require. . . .

"The advantages of such an organization of the courts, of judicial business and of the clerical and administrative work of the courts are nine:

(1) In the first place it would make a real judicial department.

The federal department of justice, under the headship of the Attorney-General, gives to the general government something in the line of what is proposed. But it is not in accord with the genius of our legal institutions that one who practices in the courts should be head of a department composing the courts and charged with the supervision thereof.

(2) It would do away with the waste of judicial power involved in our present system of separate courts with hard and fast personnel. . . . The judicial department should be so organized that its whole force may be applied to the work in hand for the time being, according to the exigencies of that work.

(3) It would do away with the bad practice of throwing causes out of court to be begun over again, in cases where they are brought or begun in the wrong place.

(4) It would do away with the great and unnecessary expense involved in transfer of causes. . . .

(5) It would obviate all technicalities, intricacies and pitfalls of appellate procedure.

(6) It would do away with the unfortunate innovation upon the common law which obtains in many states by which venue is a place where an action must be begun, rather than a place where it is to be tried, so that a mistake therein may defeat an action entirely instead of resulting merely in a change of the place of hearing. . . .

(7) It would obviate conflicts between judges of co-ordinate jurisdiction. . . . As most of our courts are organized at present, there is nothing to prevent any judge trying any cause pending in the court he pleases, however foreign to the work he and his colleagues have agreed he shall attend to.

(8) It would allow judges to become specialists in the disposition of particular classes of litigation. . . .

(9) Finally, it would bring about better supervision and control of the administrative officers connected with judicial administration, and make it possible to introduce improved and more business-like methods in the making of judicial records and the clerical work of the courts.

"The foregoing plan for unification of the courts and simplification of judicial organization would require constitutional amendments in each jurisdiction.

"The second principle which the committee desire to submit is that the details of procedure should be left to rules of court instead of being prescribed by legislative action;

"II. Whenever in the future practice acts or codes of procedure are drawn up or revised, the statutes should deal only with the general features of procedure, and prescribe the general lines to be followed, leaving details to be fixed by rules of court, which the courts may change from time to time, as actual experience dictates. . . . One of the chief causes of the failure of the New York reform of 1848 to accomplish all that its promoters desired was this very circumstance, that the code went into too much detail and hence was too rigid. Only legislation could change some of the minutest details of practice. Hence, when the earlier decisions construed many of its provisions in a narrow and illiberal spirit, the law was fixed and the only remedy was statutory amendment. In this way legislative tinkering with the code became a matter of course until the present overgrown mass of detail resulted. . . . Pleading and practice were originally the work of the courts. It was probably a mistake that legislation ever attempted to take them over and settle their minutest details.

"A third principle which the committee desire to submit is that of giving power to courts of review, within reasonable limits, to take further evidence:

"III. Whenever the error complained of is defect of proof of some matter capable of proof by record or other incontrovertible evidence; defective certification or failure to lay the proper foundation for evidence which can, in fact, without involving substantial controversy be shown to be competent, the court of review should be given power to take additional evidence for the purpose of sustaining a judgment. . . .

"IV. All clerks and other employes of the courts and all persons having permanently to do in any way with the administration of justice should be compensated by fixed salaries and all fees collected should be paid into the public treasury. . . .

(1) Where an officer is paid by fees, it is inevitable that his office tends to become a money-making institution; that earning and collecting fees become its main purpose, and not the objects for which it exists. (2) Where a clerical position is rewarded by large fees, often greatly in excess of the salaries paid to judges, clerkships tend to become political positions and clerks are often chosen for political reasons rather than ability to discharge the duties of the office. (3) Where those who have to do with the administration of justice are paid fees, a suspicion attaches, however unfounded, that officials will be governed by a desire to earn fees, and that those who are in a position to bring business involving fees to the office have

an advantage by reason of that fact. Such a feeling is an obstacle to due administration of justice and no ground should be afforded for its existence."

Modifications of the jury system in the interest of dispatch and justice are found in recent legislation.

The Constitution of Oklahoma reads as follows:* "In civil cases, and in criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein."

Commenting on this in a case before his court, Chief Justice M. J. Kane, himself a member of the Constitutional Convention that drafted the provision above, says: "It was the purpose of the constitutional convention and the people who adopted the constitution to ameliorate somewhat the law's delay. The case at bar illustrates the salutary effect of such a provision. Here is a case with only twenty-five dollars involved in it, and if the above clause of the constitution was to receive the construction sought to be placed upon it by counsel for plaintiff in error it would be necessary to reverse the judgment of the court below, remand the case for a new trial, work further delay, and add so greatly to the expense of litigation as to make the cause for its merits a trivial matter in comparison to the accumulated costs and expenses. There is of late a strong legislative trend toward the formulation of remedies and laws to prevent delay and unnecessary cost in litigation, and the courts ought not to hamper this laudable purpose by narrow and illiberal construction."

In the following states the unit rule has been abandoned:†

Arizona.	Three-fourths in civil and misdemeanor cases, '91, Chap. 5.
California.	Three-fourths in civil cases, C.C.P. '97, Section 618.
Colorado.	Three-fourths in civil cases, '99, Chapter III. Unconstitutional, 28 Col. 129.
Idaho.	Three-fourths in civil cases—five-sixths majority in misdemeanors, Const. Art. 1, Sect. 7, '91, p. 165.
Kentucky.	Three-fourths in civil cases, Statutes '94, Sect. 2268.
Louisiana.	Three-fourths in crimes not capital, Const. 116.

* Part of Section 19, Article 2, Snyder's Annotated Constitution of Oklahoma.
† University of Colorado Studies, Vol. II, No. 4, June, 1905.

Montana.	Two-thirds in crimes not felonies, P.C. Sect. 2142, Two-thirds in civil actions, C.C.P. Sect. 1084.
Minnesota.	Legislature may provide for verdict by five-sixths of jury after six hours' deliberation, Const. Art. 1, Sect. 4.
Missouri.	Three-fourths in courts of record; two-thirds in other civil courts. Civil cases, '99, p. 381.
Nevada.	Three-fourths in civil cases, 5 C.L. '00, Section 3270.
South Dakota.	Three-fourths in civil cases, Am. S. '99, Section 6268.
Utah.	Three-fourths in civil cases, Const. Art. 1, Sect. 10.
Washington.	Ten of twelve jurors may render verdict in civil cases, Ballinger's S. Sect. 5011.
Wyoming.	Three-fourths in civil cases, R.S. '99, Sect. 3651.

In the interest of dispatch in disposing of public business the following states provide for the death or disability of a juror in civil cases: Colorado, Idaho, Iowa, Michigan, Nevada, North Dakota, Oregon, South Dakota, Tennessee, Utah, Washington. In Texas in civil cases nine jurors may render a verdict, likewise in misdemeanors in district court.

In the following states the jury may consist of less than twelve in courts of record: Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Montana, Nevada, Oregon, Utah, Washington.*

We now turn our attention to certain more specific modifications of legal machinery which are required by our situation and which would tend to diminish social antagonism and the sense of injustice. These modifications are already made in part or are under full discussion with a prospect of early acceptance by legislatures and courts.

Legal Adjustment of Industrial Disputes: Boards of Arbitration, etc.

We have as yet nothing to compare with the French *Conseils de prud'hommes* which have performed such valuable service in adjusting disputes between employers and employes for over a century. We have nothing akin to the "Gewerbegerichte" in Germany. If there is a controversy between managers and workmen, we have no legal machinery of adjustment. If the difficulty is serious, the strike is always thought of early in the dispute, and strikes are in any case provocative of bad feeling. Whoever is victorious, there are rancorous

* The above is all taken, except the references to Oklahoma provisions, from the University of Colorado Studies.

memories and preparations for revenge at the most convenient moment. This situation is provocative of criminal impulses; it cultivates and perpetuates the habit of speech common to both sides which calls the other party in production "the enemy." Without denying that the economic fact of division of product gives a certain real ground for these differences, we must believe that the personal element of hostility is greatly intensified and poisoned by the necessity of appeal to force because no legal methods of settlement are provided.

It is true that where individual wrongs are committed the courts are open to hear the plaintiff and decide his case. But the procedure is tedious and costly, the event uncertain, and at best only certain kinds of disputes can be brought before judges. It is also true that both informal and permanent arrangements are made occasionally for the action of conciliatory advances or of arbitration of disputes by impartial men. Here and there these voluntary schemes have worked for rational methods of deciding conflicting claims. The trades unions have officials, business agents, popularly called "walking delegates," and regular committees for the purpose of conference with employers in respect to wages, hours, and the treatment of individual men.

Where the employers and the unions have established "trade agreements" a still further step is taken toward the prevention of strikes and the deliberate hearing of points in controversy. Still further advance is made in those states which have established permanent boards of conciliation and arbitration for the sober and impartial hearing of disputes and the prevention of strikes.

The laws of sixteen states, California, Connecticut, Idaho, Illinois, Indiana, Louisiana, Massachusetts, Minnesota, Missouri, Montana, New York, Ohio, Oklahoma, Utah, Wisconsin, Wyoming, provided for the appointment of a permanent board of arbitration. The Michigan law makes such appointment optional with the governor. Eight states, Colorado, Kansas, Maryland, Nevada, New Jersey, Pennsylvania, Texas, Washington, make other provisions for mediation and arbitration of labor disputes.

Some of the features of the law of Massachusetts and of that of Indiana are summarized below: In Massachusetts the board consists of two members appointed by the governor, one employer of labor and one representative of a labor organization. The third member is appointed by the other two. It is made the duty of mayors or selectmen to notify the state board of impending strikes or lock-outs and such notification may be given by the employers or the employes concerned. In such cases it is the duty of the state to

endeavor to mediate between the parties. It has power to investigate the case and make its findings public.

When application for the help of the board is made by employes and employers, the decision is binding on both parties for six months or until sixty days after the party has given notice in writing to the other party and to the board of his intention not to be bound thereby. The law provides for the appointment and pay of experts to represent the interests of each party to the controversy. Provision for local boards of arbitration, appointed by the parties involved, is made.

The Indiana law makes the circuit judge and the two state labor commissioners the state board of arbitration, with power to add two to this number if desired. "The circuit judge shall be the presiding member of the board. He shall have power to issue subpoenas for witnesses who do not appear voluntarily. . . . He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations. . . . All questions of practice, or questions relating to the admission of evidence, shall be decided by the presiding member of the board summarily and without extended argument." Disobedience to the award of the court is treated as contempt of court.

The twenty-third annual report of the state board of arbitration of Massachusetts, 1908, contains the following: "The labors of this board during the year just past present the greatest number of arbitrations thus far made, and confirm the belief that, given opportunity, the industrial world prefers to adjust its differences by the results of careful inquiry rather than by doubtful outcome of hostile activity.

"When parties in constantly increasing numbers resort of their own will to arbitration as administered in the name of the state, it is evident that the disposition to do so has been fostered by the spirit of existing laws. While the year has had its own problems and tasks, it has also been crowded with the effects of persistent effort, operating through longer spans of time. In former years the reconciliation of opposing forces suggested that friendship might be maintained through permanent agreements to adjust mutually or by arbitration such disputes as might arise hereafter. As a result, strikes have diminished in number and importance in quarters where grave disturbances of industry were frequent. Energies once enlisted for strategy and collision sought to establish harmonious relations by means of private adjustments, and when these failed, the trade agreement and public opinion secured the submission of controversies

to the judgment of disinterested minds. . . . During 1908 there were instances of satisfactory settlements effected by local boards. . . .

"Applications for the adjustment of one hundred and forty controversies received during the year, with fifteen pending at the time of the twenty-second report, were considered. Mutual adjustments were made in thirteen cases, and twenty are now pending. One hundred and thirteen decisions . . . constitute the awards in the determination of 122 controversies."

THE NEW YORK PLAN. Article X of the New York Labor Laws, according to the report of the commissioner of labor (1908), deals with the bureau of mediation and arbitration.

Section 140. "There shall continue to be a bureau of mediation and arbitration. The second deputy commissioner of labor shall be the chief mediator of the state and in immediate charge of this bureau, but subject to the supervision and direction of the commissioner of labor." (As amended, 1907.)

Section 141. "Whenever a strike or lockout occurs or is seriously threatened, an officer or agent of the bureau of mediation and arbitration shall, if practicable, proceed promptly to the locality thereof and endeavor by mediation to effect an amicable settlement of the controversy. If the commissioner of labor deems it advisable, the board of mediation and arbitration may proceed to the locality and inquire into the cause thereof, and for that purpose shall have all the powers conferred upon it in the case of a controversy submitted to it for arbitration." (As amended, 1907.)

Section 142 provides that the membership of the board of mediation and arbitration shall consist of its chief and two other members of the department of labor, designated by the commissioner of labor. Each member has power to hold hearings, but his findings are not binding until ratified by the board.

Section 143. "A grievance or dispute between an employer and his employes may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue business or at work, without a lockout or a strike. Upon such submission the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance, take and hear testimony, and call for and

examine books, papers and documents of any parties to the controversy. . . . The decision of the board must be rendered within ten days after the completion of the investigation."

Sections 146–148, inclusive, provide for local boards of mediation and arbitration. In the 1908 report of the commissioner of labor (page 39) is the report concerning this bureau of mediation and arbitration: "The staff was increased on October 1, 1907, by the addition of two assistant mediators. This addition resulted in increasing the efficiency of the bureau. It is now, in respect to its field force, adequate to handle the volume of business in its particular domain. It has continued to collect information in relation to labor disputes and has intervened in many strikes and threatened strikes. It is quite obvious that its greatest opportunities lie in the direction of mediation, for the number of instances in which it has been called to arbitrate are very few, while the record of successful instances of mediation is quite creditable."

In Appendix III (page 101) is the report of the bureau itself. It shows that in 1908 there has been a decided falling off in the number of disputes and the number of working people involved, due to the hard times which occasioned the curtailment of productive energies and to trade agreements. On the latter head the report says: "During recent years, especially the two just preceding, the general trend has been toward mutual bargaining through trade agreements. . . . A particularly convincing demonstration of the effectiveness of trade agreements during the period of depression was the almost unanimous accord with which both employers and employes permitted existing trade agreements to continue to govern without attempt either to amend, abrogate, or supersede them.

"The total number of disputes in which some form of intervention was exercised by the bureau was seventy-five, as compared with fifty-three for the previous year. In sixty-five instances (sixty-four first interventions and one second) intervention was on our own initiative; in eight (five first interventions and three second or third) by request of the employes, one by employers and five cases by individuals. . . . There is always a reluctance on the part of those seeking intervention to have that fact disclosed, on the theory that it indicates either a lack of stability of their position or individual interference. The apparent result of our interventions was that in twenty-two cases satisfactory settlements were promptly reached, in eight cases it was found that other agencies for conciliation or arbitration were making satisfactory progress, and in many other

disputes where our efforts apparently failed, the situation up to the time of our coming into the dispute was that both parties were simply marking time. However, settlements were arrived at in a short time. . . . Special attention has been given to the work of fostering and encouraging local and trade mediums of conciliation and arbitration, which we believe is bearing fruit, as evidenced by the almost universal incorporation of this principle in some form in new trade agreements."

In conclusion the report urges that adequate means be supplied for the special work of collecting and compiling trade agreements and encouragement of local mediums of conciliation and arbitration: "This, in my judgment," says Chief Mediator John Lundrigan, "is very important, as a considerable percentage of field work will be only temporary in beneficial character, unless it can be properly moulded into permanent records and the information and experience secured properly placed before as many as possible of those whom its application would benefit."

The phrase "industrial arbitration and conciliation" refers to the method of maintaining or restoring peaceful relations between employers and employes. The agencies of arbitration may be private or public. The former are most highly developed in Great Britain, the United States being second. However, in some respects France and Belgium stand first in results accomplished. "Collective bargaining," being one of the fundamental methods of trades unionism, is often employed. A special form of agreement is the "sliding scale," whereby the wages rise and fall as the price of the product fluctuates. Joint-trade agreements are not infrequently adopted in the settlement of labor disputes. Such agreements introduce a powerful influence for industrial peace in the element of permanency which they give to the conditions of employment. Often these trade agreements provide for the settlement by arbitration of any dispute that may arise concerning their interpretation. Occasionally it happens in the case of a strike or lock-out that an individual or a committee intervenes to bring about a settlement. The most notable instance of this sort in the United States, because the interests involved were no less than national, was the intervention of President Roosevelt in the coal strike of 1902. The only notable private mediation agency of the United States is that which has been established by the National Civic Federation in its industrial department.

In the United States, the federal government and twenty-four

of the states have made some provision for the settlement of collective industrial disputes.

"Two federal laws have been passed (1888 and 1898) both limited in application to interstate commerce. The former specified two procedures: (1) voluntary arbitration of disputes by a board of three members, the only action of the government being the endowment of such a board with power to secure evidence, and the publication by the commissioner of labor of the award; (2) public investigation into the causes of a dispute and the best mode of terminating it, to be instituted upon the government's initiative. No arbitration ever occurred under this law, but one investigation was made under it in the case of the great Pullman strike of 1894. The law of 1898 repealed that of 1888 and is still in force. It provides: (1) mediation by the interstate commerce commission and the commissioner of labor upon the request of either party; and (2) arbitration essentially as in the law of 1888 except that awards are made enforceable by law, though submission to the arbitration is entirely voluntary."*

The attitude of the trades unions to any form of compulsory arbitration of labor disputes is clearly and strongly stated by the president of the American Federation of Labor, Mr. Samuel Gompers:†

"Arbitration is only possible when voluntary. It can never be successfully carried out unless the parties to a dispute or controversy are equals, or nearly equals, in power to protect or defend themselves or to inflict injury on the other party. It is our aim to avoid strikes, but I trust that the day will never come that the workers of our country will have so far lost their manhood and independence as to surrender their right to strike or refuse to strike." Discussing certain labor questions in the United States, Mr. Gompers continues: "A bill was introduced in Congress which would admit of every train being made a mail train, and which, under the postal laws, would have subjected the strikers in railroad transportation to imprisonment for delaying the mails. Through the efforts of the railroad brotherhoods and the American Federation of Labor the bill failed. Then followed the introduction of the Olney Arbitration bill, which provides for arbitration, voluntary in submission, or in its initiatory stages, but with compulsory obedience to the award; that is, the award was to be enforced by a direct penalty for the individual violating the same. The Indiana law has the following

* Hatch, Leonard W.: in Encyclopedia of Social Reform, 1908, pages 58–64.

† Bliss: Encyclopedia of Social Reform, 1908, page 268,

provisions: 'An agreement to enter into arbitration under this act shall be in writing, and shall state the issue to be submitted and decided, and shall have the effect of an agreement by the parties to abide by and perform the award.' . . .

"The thought underlying this law is that the individual man may alienate his right to liberty, and it is, therefore, destructive of the fundamental principle of the Republic of the United States. It is equally dangerous with the New Zealand law, the Hungarian statute, or the proposed law of Germany, because it aims at tying the worker to the mine, the factory, or the means of transportation upon which he works.

"The Manufacturers' Association of the South in 1900 decided to submit to the legislature of each of the Southern States a law providing for term contracts, the violation of which would be punished as a felony, and they did this with the specific purpose of preventing strikes and inviting northern capital. When their attention was called to the fact that they were not as yet 'bothered' by labor organizations, they answered: 'That's true, and that's just the reason why we decided to take steps to prevent the formation of any and to stop strikes in the most effective manner.' . . . We shall insist upon the right to quit work whenever the conditions of labor are irksome to us. If we should commit an error, which is likely, then we shall be the sufferers more than any other or all other peoples, and we shall have learned by that error to avoid them in the future. But I repeat with all the emphasis I can command, that we shall insist upon our right to quit work for any reason or for no reason at all."

Recent legislation in the neighboring country of Canada has excited general interest in the United States and promises to influence future legislation,—the so-called "Lemieux Act."

Liability and Compensation Laws

The law which makes employers pecuniarily liable for injuries to workmen caused by negligence of the employer does not on the whole fulfill its original purpose of preventing carelessness of the employer or of securing indemnity to the victims of industrial accidents. In actual operation this law increases the friction between employers and employes. The intervention of casualty companies between the parties still further intensifies the hostility which arises out of trials to obtain legal indemnity. The delays of courts, the

crowded condition of the dockets, and the right of employers to appeal to higher and still higher courts, have become a menace to order, security, and life. Thus far no state has had the courage to make trial of the European methods of compensation or insurance laws, with their swift and inexpensive methods of arbitration of disputed points. But several legislatures have already taken the subject under serious consideration and we are hopeful that before many years a legal remedy may be found and put to the test of experience and of courts. New York has made a beginning which is full of promise.

Reforms in Government

In the political conduct and in the courts of cities the last few years have seen vigorous and greatly needed movements to purify the government itself. The moral necessity for these efforts has been set forth by earnest men. Even sensational "muck-rakers" have had their share in producing the awakening.

The reformation of the municipal courts of first instance, the "courts of the people," has vital significance for our subject, the prevention of crime. The poor seldom have business, civil or criminal, with the higher courts of state or nation. They come with their petty concerns and wrongs before local courts and there is the end. Hence their pictures of judicial conduct are drawn from the lower courts. It is precisely in some of these courts that abuses have prevailed. Cities have in some instances permitted the continuance of the primitive rural system of "justices of the peace," many of whom were without legal training, or professional standing, and free from control by bar associations.* It was an anachronism, but was so deeply rooted in tradition, custom, and corrupt interests

* The evils of the ancient system are illustrated in this story: A communication from Simon Hahn in the New Jersey Review of Charities and Corrections for February, 1909, calls attention to certain abuses of power by the Justices of Peace in New Jersey. The victims of the abuses, he says, are generally poor and ignorant people who know little or nothing of their legal rights. The law requires a justice who receives a complaint to forward the same forthwith to the nearest police court. This requirement is disregarded. As a result innocent people have been left in jail several days until the justice sent the complaint to the police court.

On one occasion a boy accused of stealing a dog was arrested in Elizabeth and brought to Newark. According to a recent order he could not be placed in the police station on account of his youth. Released on parole according to promise he appeared in court the following morning having walked to Newark from his home. There was not a scintilla of evidence against him. Says the writer: "There are numerous other cases which could be cited to show how many innocent people are arrested by justices and obliged to pay large sums of money to obtain bondsmen to secure their release from jail, and also to pay exorbitant fees to lawyers who are recommended by these justices."

that it has been difficult to change. The essence of the reform was to abolish the ancient system and substitute a real municipal court system, with competent judges and an effective method of securing uniformity of decisions, swift and inexpensive hearing, and decent respect for the best legal procedure.

A unique development of American courts and jurisprudence is that of the Municipal Court of Chicago. These are some of the principal features of the law: (1) its administrative plan; (2) its organization on modern business lines, with a superintendent in charge, with adequate authority, in view of the results to be attained; (3) its provision for giving to the judges wide discretion in the matter of adopting rules of practice and procedure; (4) abolishing written pleadings in a large class of cases; (5) restricting courts of review to reversals on the merits; (6) returning to oral instructions to juries; (7) limiting the examination of jurors to ascertaining bias or prejudice; (8) permitting interrogatories that must be answered under oath; (9) allowing the calling of the adverse party as a witness without being bound by his answers, and (10) last, but more important than all, establishing as above stated, a court of the first instance as a court of record, with comprehensive and practically general jurisdiction.

"The judges as a body, in addition to their authority over the clerk's and bailiff's offices, have extensive and unusual powers:*

(1) To investigate complaints presented to them pertaining to the court and its officers, such as charges of incompetency, inefficiency and dishonesty on the part of the deputy clerks and the deputy bailiffs of the court; complaints against police officers, who are ex-officio deputy bailiffs of the court; against attorneys for unprofessional and dishonest conduct in suits pending in the court; and even complaints against the judges of the court themselves.

(2) To prescribe all such rules and regulations for the proper administration of justice as to them may seem expedient. In fact, they may adopt any regulation which is not forbidden by law, and which, in their judgment, will expedite and facilitate proceedings in the court.

(3) Subject to the direction of the supreme court of the state, they have the power to adopt such rules and regulations of practice in the court as they may deem necessary and expedient.

"The municipal court was created not only for the purpose of replacing justices and magistrates, but also for the purpose of reliev-

* The Municipal Court of Chicago. First Annual Report, Nov. 30, 1907.

ing the regular trial courts in Cook County, whose dockets had become so congested that trials were not secured without long and vexatious delays, often amounting to a period of two or three years. At the end of the first year it can surely be said that the municipal court has achieved the main purposes of its creation. The abuses common under the justice of the peace system have been abolished and the congestion in the trial courts is being relieved. The number of new cases started in the circuit court during the year has fallen off 38.5 per cent from the previous year. In the superior court the number has decreased 20.6 per cent for the same period. In the criminal court of Cook County the decrease has been 34.8 per cent and in the county court the law cases have fallen off 90.9 per cent. This decrease represents what has gone to the municipal court.

"The court has kept well up with its calendars. The fact that cases may be heard soon after they have begun leads to the settlement of a great many disputes without the intervention of a court. This condition has been a very important factor in solving the problem of crowded court calendars.

"The court has been self-sustaining. It has not been a burden upon the taxpayer. After the payment of all salaries, rents, repairs to police stations, construction of jury boxes, judges' benches, fitting up the court rooms, furniture thereof, court blanks for the use of the public, jury fees, and, in fact, all expenses of every kind and nature, the accounts show a balance of $19,230.96. Deducting an indebtedness of $11,116.10 that was incurred on account of the court before it was in existence, a net surplus of $8,114.86 is shown. This result has not been brought about on account of the levy of excessive or unusual fines, for the court has assessed fines to the amount of $129,973.75 less than was assessed by the police magistrates during the last year of their administration, but is due to the fact that $130,000 has been diverted from the other courts in the course of the year, in addition to the normally large income that flows from the enforcement of the law for the violation of city ordinances, to strict economy in administration and to the volume of business in the court. Mayor Busse, Mayor Dunne and the City Council have afforded every assistance to the court."

It may be noted that one of the avowed purposes in establishing this court was the *prevention of the commission of crime.* On this important point the testimony is clear and convincing:

"Offenders charged with misdemeanors are now tried in the municipal court on the day on which the offense is committed, or

the next day; or, in the majority of cases, within five days after the commission of the offense; and this, too, with due regard for the rights of defendants and the convenience of members of the bar. The speedy disposal of these cases has relieved the calendars of the criminal court of Cook County so that felony cases may be tried in that court as soon after the commission of the offense as it is possible for both sides to prepare for trial, which ordinarily will not require more than two or three weeks from the time of the commission of the offense or of its discovery.

"The number of arrests for felonies, misdemeanors and violations of city ordinances in the city of Chicago has decreased in a period of a year from the number during the previous year, 35,271; on the other hand, about 1,427 more persons have been sent to the jail and house of correction than were sent the year before. Since the number of arrests in the city of Chicago for the year 1906 was 92,761, this reduction of more than a third is significant. Of course, if the decreased number of arrests was due to lack of vigilance on the part of police officers during the period in which the municipal court has been in operation, these figures would be meaningless; but they have not been. Police officers now know that a case brought by them in the municipal court of Chicago will be heard on its merits, regardless of political pull or influence of any sort. . . .

"Practitioners have long felt that the old proceeding by creditor's bill is too slow, cumbersome and expensive to be effective, the delays thereof being often the cloak under cover of which debtors may escape payment of their just debts. The bankruptcy act has been found to be not only too expensive and, in cases where there are a number of creditors, too cumbersome, but also the means whereby undeserving debtors may repudiate their just debts. Creditors have often feared to press their debtors too hard lest the debts may be discharged by voluntary bankruptcy proceedings. In admirable contrast to this is the proceeding by which, without pressing the debtor to this danger point, at an insignificant expense, and in a manner too expeditious to permit of his fraudulently disposing of his property, the debtor and others are called before the bar of the court to be examined concerning the real and personal property of the former.

. . . . . .

"One unexpected result of the installation of the municipal court is the decrease in the number of bankruptcy cases brought in the United States district court. From statistics recently compiled,

it is shown that from December, 1905, to November, 1906, inclusive, there were 1,280 petitions in bankruptcy filed in the United States district court in the Northern District of Illinois; and for the period from December, 1906, to November, 1907, inclusive—the first year of the municipal court—but 788 cases were filed, a decrease of 492 cases. A considerable portion of this decrease of 38 per cent is attributable to the effect the institution of the municipal court has had upon this class of litigation. Under the justice of the peace system many honest debtors were harassed into the bankruptcy court. . . . The reduction in criminal statistics in Chicago during the year may be attributed to:

(1) Speedy trials.

(2) Strict bail regulations.

(3) House of correction rather than jail sentences.

(4) Care in the issuance of warrants.

(5) Absence of interference with the administration of justice in the courts, and the consequent encouragement of the police officer to do his duty.

(6) Imposing heavy penalties for carrying concealed weapons.

The second annual report of this court (Dec. 1, 1907,–Dec. 1, 1908) shows its continued and increasing efficiency in the dispatch of its business and in the prevention of crime.

LEGAL PROTECTION OF IMMIGRANTS

Those who have recently come to America are often wronged by persons who take advantage of their ignorance and inexperience; the suffering caused by these misdeeds provokes a spirit of suspicion, bewilderment, fear, hate, and revolt; and the resentment felt is easily turned against the institutions created by law. Young women are led into vice by ignorance of their rights, fall victims to passion and then become agents of depraving influences.

The Movement Against the "White Slave" Traffic

The federal law is designed to prevent the entrance of prostitutes from Europe by rigid inquiry at the ports of entry. Of course there is rarely anything in the appearance of those poor women which would of itself furnish ground for sending them back to the country of origin. There must be co-operation between governments to discover the antecedents, character and associations of the women

before they embark. The federal law prohibits the entrance of prostitutes, of traders in vice, and all that class of persons, and the central government is in correspondence with European authorities to secure reliable information on which action may be based either at the port or before federal courts, when at a later time women of ill fame or procurers have been discovered and brought for trial before the federal judges.

There is a trade in "white slaves" between cities and between towns and country districts. Men and women of infamous character make a business of inducing ignorant, foolish and reckless girls to enter houses of ill fame. Sometimes they get them into these places under false representations, under the pretense that they are to have respectable employment; sometimes thoughtless girls are confused with wine in restaurants and dance halls and carried off in stupor to awaken in shame and despair; sometimes the keepers of such places get the girl into debt, take away her clothing, and threaten her with imprisonment for theft if she tries to escape. The diabolical arts used in this traffic pass the understanding of ordinary honest people. Therefore city ordinances and state laws are needed to support and direct the police authorities in their effort to protect innocent or untaught girls and thwart the schemes of the inhuman panderers to low vice.

The Vigilance League co-operates with the federal and local authorities. Indeed, it has been found that the police officials of our cities, for various reasons, rarely act without a general and persistent pressure from some society organized for the very purpose to see that the laws and ordinances are enforced. There is an apathy and cynical despair about the whole matter in police circles which is difficult to overcome; and it must be frankly confessed that zealous reformers, by their impossible programs of action, have given at times only too much occasion for the sceptical and hostile attitude of the police. The endeavors of some of these voluntary associations to gather and furnish to the prosecuting officers evidence of active participation in this traffic have resulted in convictions and, to some extent, in deterring procurers from following their trade. The art of evasion has with them been cultivated with such skill that these societies find their task very difficult.

Protection of Immigrants Against Deceit and Fraud

The immigrant may have a little money upon landing and he must have lodging, food and employment. He is apt to be cheated,

or even robbed in the cheap hotels or boarding houses into which he is enticed. Pickpockets haunt his steps and petty thieves watch the place where he falls down to sleep. Vicious women in league with robbers entice him to his ruin. The immigrant seeks remunerative employment, for his little hoard is soon exhausted and hunger urges him. He does not know where employers are to be found, nor the rate of wages, nor the methods of payment, and, perhaps, he has not money to pay his fare to the distant place where his services are needed. He seeks an employment bureau where his own language is spoken and he meets a countryman who promises him a place on certain conditions. These conditions are often very hard; the first month's wages may go to pay the fee. Often the position secured at heavy cost is soon lost and the difficult ascent must begin afresh after loss of time and means.

About 1882 the sources of immigration changed.* Before that time most of the aliens came from Teutonic or Celtic races; more recently the tide has set in from Slavic countries and from Italy.

Jacob Riis, one of the illustrious citizens of America, himself an immigrant, says:† "You will not forget what more and more comes to stand to me for the best and most practical effort at Americanization—the socialization of the public school. As a social center to replace in a big sense the 'town meeting' touch that was lost when we grew to be an urban population, it looks larger and larger. I look for the time when we shall use the big hall in our schools for political meetings and so modify the bitter partisan tinge or civilize it for better civic use. In the immigrant problem—that stands for much that does not appear on the surface. In one of my books I pointed out that your immigrant in our cities—and not only from abroad—is absorbed into the lower strata of its political life largely because he is not counted in. Nothing is expected of him and he comes up to the requirement. He is a social creature and quite alone. Tammany reaches out for him with the only human invitation—and he accepts gladly. If he came from abroad, he misses being placed. They had him there by the hand,—or by the neck,—church, tax-collector, burgomaster. He is enrolled in the army, enrolled everywhere, has certain duties to perform. The utter freedom from restraint is too vast. He has no backing. If he come from the country, there he counted for one in his environment. In the city swarms he is lost. Enroll him, get him. The churches are trying

* Commissioner General of Immigration. Report, June 30, 1908, page 62.

† In a letter to the author, 1909.

to lay out parishes. That is good. The school can do more. We must get him for good or he will drift into the bad."

The organization of aid for immigrants takes varied forms. In the first place, the federal government issues printed information in various languages, to guide the new comers through their first difficulties, direct them to regions where labor is wanted and warn them against fraudulent devices.

Section 40 of the Immigration Act of February 20, 1907, provides for the establishment of a division of information in the Bureau of Immigration and Naturalization. T. V. Powderly, chief of the division of information, gives in detail an account of the painstaking and exhaustive methods by which the division gathered the information concerning demand for labor, conditions of soil, climate, market, etc., all over the country and rendered the information available.* The actual work of assisting in the location of admitted aliens did not begin until February, 1908. Between that date and October 31, 1908, 2,099 persons, all but 190 of whom were aliens, were assisted in location and employment in various parts of the union. This is but a beginning. The division received many letters expressing gratitude with the result of its efforts. The department feels that the work of the division should be enlarged. The information should be furnished to the foreigners while on the voyage over that they may ponder it and decide intelligently. Amendment to the law is proposed, covering this and other points. Mr. Powderly maintains (page 223) that the division of information in the Bureau of Immigration should be used to circulate throughout Europe and other countries exact information with regard to conditions in the United States, to the end that foreigners may not be induced to come to this country by the glowing misrepresentations of those who have a sinister interest in inducing them to come.

LEGAL AID SOCIETIES

It is the theory of American law and courts that every man charged with crime shall have a competent lawyer to present his case; and the practice of the courts corresponds to this principle. If a man is too poor to employ an advocate, the court appoints a defender; it would be mockery of our sense of justice if poverty alone should deprive even a murderer of legal counsel and aid on trial. But in many situations this arrangement does not meet all the needs

* Commissioner General of Immigration. Report, June 30, 1908, page 173.

of the poor man. He may require information about business affairs, about methods of collecting his wages, about his duties and rights as a tenant over against his landlord, or as an employe in relation to his employer.*

Social peace, order and security demand that no considerable number of citizens, however lowly and obscure, shall have reason to feel that their rights and interests are not regarded and defended by the legal institutions of their country. Discontent and rebellion are seedplots of crime, and it is highly important that feelings of social ostracism shall not long smoulder in human souls, awaiting some sudden occasion of being fanned into violence and misrule. Various societies in American cities have been established to give practical form to these convictions and to mitigate the suffering and the anxieties of those who cannot employ lawyers to advise them or defend them against injustice.

A careful observer† has thus voiced the purpose and spirit of American associations organized to afford legal aid to the neglected:

"It (the Legal Aid Society) gives to the poor a short cut to the righting of many of their wrongs and so delivers them from certain forms of oppression and exploitation. But more: it largely delivers them from the oppression of wearisome legal process itself. Yet more: it often delivers them from the self-oppression arising from their own ignorance and lack of training. Still again: it often leads them to a better form of conquest than one that is merely legal, and it studiously demonstrates that a just spirit is a greater power than worldly wealth or social preference. . . . If there is one function more important than the immediate relief which the society works, it is its *educational*, and therefore its preventive and constructive, function. . . . The humanitarian or brotherly love impulse needs the probing intelligence of the sense of justice to make it altogether righteous and divine. And this fact is confined to no social class. It is the part of the Legal Aid Society to exemplify it among a class where adversity is severest and most unhopeful."

The Legal Aid Society of Chicago, in an undated leaflet, tells of receiving a letter from a young man in the county jail declaring his innocence. Such letters are not uncommon, but this one attracted attention. The society took the case, and "no bill" was reported by

* In another place, the means of instructing immigrants have been discussed; here it is more a matter of direct practical intervention and expert help.

† DuBois, Patterson: in the *Legal Aid Review*, Jan., 1908.

the grand jury. In an undated leaflet, entitled Work of the Chicago Legal Aid Society, the relation of crime to debt is pointed out in a quotation from a reporter of the Chicago *Tribune*. John W. Miller, whose original debt of $50 had increased under the rapacity of loan sharks to $400, as he says, undertook to pay his debt by a murderous assault on a diamond merchant whose gems he hoped to secure. "If Mr. Miller had come to us," Mr. M. B. Wellington, attorney for the Legal Aid Society is quoted as saying, "we could have helped him out of his difficulties. It would not have been necessary for him to attempt murder and robbery in his desperation."

The *Legal Aid Review*, May, 1908, gives the case of a young girl in Warsaw, who was induced, under promise of marriage, to send all her personal belongings to a young man in Chicago, later coming as far as New York at her own expense. The young man was then unwilling to make good his promise. The case was reported from the New York Legal Aid Society to the society in Chicago, and the young man finally returned the property. Another case is reported of a family in which the husband's salary was mortgaged to the loan companies when diphtheria descended on the family of eight, while the mother was about to give birth to another child. The society arranged for the settlement of the debts at the legal interest rate. The family, who were merely bad managers, were thus saved from further misfortune.

In the second annual report of the Chicago Legal Aid Society, 1907, is told the case of a young woman, a domestic, who loaned a policeman $187 when his family was sick. The collection was undertaken by the society and a portion secured with good prospect of getting the balance. In the first annual report, 1906, of the same society is reported the case of a washerwoman, supporting a family, who six years before had borrowed $25 on household furniture for six months. On the loan she had paid $156 and the holder of her note claimed the principal unreduced. At the demand of the society he returned the papers, cancelled. An undated leaflet tells of a woman who unwittingly assisted by her testimony to send her husband to the county jail for a year in addition to a fine of $100 for selling while drunk less than ten dollars' worth of gas appliances that did not belong to him. The society secured his release and now he is doing well, supporting his family.

ENFORCEMENT OF LAW

One of the most discouraging and disgraceful features of American life is disregard for law, "contempt of courts" in a sense not at all technical but real, and a readiness to resort to personal revenge or to "lynch law," which is simply mob vengeance. The frontier of the United States was settled without the aid of mounted police under federal control, such as Northwest Canada has enjoyed during the period of its settlement. The border ruffian, the cowboy with pistols at his belt, the rude miners always ready to kill for real or fancied insult, and the murder of offenders without legal trial were shameful facts in our western life, largely caused by the absence of a federal system of mounted police and organized courts. The wrongs done to Indians which often caused insurrection and frightful bloodshed were also largely due to the weakness of federal courts and police in regions far from the older settlements. Men learned, it is true, to take care of themselves, and their life was picturesque and often remarkable for a certain kind of daring and courage; but, on the whole, it was not civilized, it was not creditable.

The organization of courts has become almost universal; the Indians are now under a rule more reasonable and equitable; but we still lack a system of general and rural force of mounted guards, like the Civil Guard in Spain and rural police in other lands. The police system extends only to the city limits, and beyond that we have only a crude and amorphous constabulary composed of men who have no training for the task of detecting crime, arresting offenders and preventing schemes of plunder and outrage in places remote from towns. The women of the farms are, in many regions, in danger of insult, menace and assault.

In districts where white people live near to Negroes the peril is all the greater because of race hatred. If a Negro attacks a white woman or girl or insults her, or is believed to have done either, it means death, not seldom without the citation of witnesses and the due process of law and courts. If one asks why the white people do not arrest and punish Negro offenders in a regular way, the answer often comes: The Courts are too slow and too uncertain; we must make the punishment swift, sure and terrible.

The mobs directed against Negroes have not been confined to the southern states; they have been known in Ohio, Indiana, Kansas; and one of the most horrible of all occurred in recent years at Springfield, Illinois, where rest the ashes of the Great Emancipator, Abra-

ham Lincoln, and another still more recent has disgraced southern Illinois.

In the South many wise public leaders have long come to feel that resort to mobs tended to awaken savage impulses in white men and so to increase crime. It is not at all certain that the horrible and unusual methods of torture and burning alive have at all diminished the criminal passions of Negroes themselves; there is much reason to believe that mob violence intensifies the lusts and passions of these short-sighted and untaught people.

We call attention to one movement which, in the opinion of the writer, represents the best sentiment of the South and is full of promise.* Ex-Governor Northen tells us how his own mind has worked upon the problem:†

"I was elected to the executive office in the fall of 1890. Previous to that time, there was a show of effort to prevent lynching by calling out the military, but I never heard that the soldiers challenged the mobs. After the alleged criminal had been murdered, the crime was not officially reported and no reward offered for the lynchers. So far as I know I was the first official of the state that ever offered a reward for the capture of the members of mobs. This I did all the way through my four years of official service. Since my time no successor has followed my policy. Each man has believed that public sentiment would not support such a policy. These statements would indicate that there has been no 'movement to prevent lynching.'

"During my administration, I had the chairman of the judiciary committee introduce and press to enactment a strong law that I supposed would go a long way toward prevention. I found difficulty in passing the bill, but finally got it through both branches without a single vote being cast in the negative. Immediately after the Atlanta riot, I organized a league in this city looking to the suppression of this evil. Hon. Chas. T. Hopkins, a prominent lawyer, organized another. After the organization of the white people, each of us organized the Negroes into auxiliary leagues, both leagues being under the direction and leadership of the white leagues.

"After bringing the Atlanta league under my direction to good working order, I canvassed my state, seeking to bring the races into better relations through local organizations similar to the Atlanta

* Data for this sketch have been kindly supplied by Ex-Governor W. J. Northen, of Atlanta, Georgia, a man of high character and extended influence, whose service on behalf of law and order is widely appreciated.

† Letter from Ex-Governor W. J. Northen, February 12, 1900.

plan. I was successful in organizing all the counties except three. In these three the prejudice of the whites I found too strong to bring them into sympathy.

"The idea was to take the best white people and the best Negroes into such relations that the best elements of the two races might possibly leaven the bad elements of both. Public opinion has greatly changed under the counsel of these leagues. I began working on the courts and finally brought some of them into sympathy with the plans we were pursuing. . . . Officers are now coming to discharge their duties much more boldly, as it is quite evident public sentiment is changing."

In July, 1907, Ex-Governor Northen sent a significant circular letter to the sheriffs of the various counties of Georgia. He tells the sheriffs that, as the most responsible officers of their counties, they have his profound sympathy, expresses his concern for the future of the state, and offers his personal service to assist them in the discharge of their duties. He then asks if they do not believe that a healthy public opinion could be aroused by an organization, in each county, of the county officials with the avowed purpose to awaken sentiment upon the observance of law. He further suggests that these organizations might form an alliance with the civic league already established and announces a purpose to call a convention of such organizations to be held in Atlanta, "as soon as the state is covered with civic leagues."

The following propositions are then set forth:

(1) "It is entirely possible to prevent criminal assaults if the county officers will organize and form some kind of alliance with the best citizens of the community and proceed, vigorously, to eliminate every vagrant and criminal Negro from the community. . . . If you will see that every Negro works six days every week, crime among them will cease. . . .

(2) "Every man connected with a mob where death ensues is a murderer. . . . Shall these people be allowed to multiply in your county and go unpunished for their crimes, or will you report them to the Governor and ask his help in their capture?"

The two civic leagues of Fulton County, Georgia, according to Mr. Northen, in a recent pamphlet on The Evolution of Lawlessness and Unchallenged Crime, number something less than two thousand "conservative, law-abiding citizens taken from the different professions and all classes of business, who stand for the peace and good order of the entire state."

In a pamphlet issued by him February 6, 1909, attention is called to "a brave and most timely deliverance from the bench by Judge Price Gilbert, of the Chattahoochie circuit."

A special dispatch from Columbus is the authority quoted by Governor Northen, and its substance is as follows: Judge S. P. Gilbert, in a special charge to the grand jury, referred to the arrest of one George B. Roberts, who with a rope in one hand and a black cap in the other was offering to lead a mob to lynch a Negro then in the county jail. The judge urged the jury to indict Roberts, said that if he were convicted the court would do its duty, that if a mob attempted to take the Negro charged with the crime he himself would join the ranks of the sheriff's men and fire on the violators of the law. The judge disapproved of the action of the authorities in hurrying the Negro out of town and said that prisoners in his court should be protected if it required all the militia in the state.

One factor in this crusade is an appeal to religious men.* The Business Men's Gospel Union is an organization to secure law enforcement primarily by arousing public sentiment in Atlanta and throughout the South to accept the following:

(1) That it is the duty of every citizen to be absolutely obedient to the law and to maintain the peace of the community as far as his power and influence may go.

(2) That criminal assaults upon women constitute the most villainous crime known to the catalogue of iniquities and must be punished to the very extent of the law in the execution of the criminal.

(3) That death by mob violence is murder outright, and can have no excuse or countenance in Christian civilization or individual or community life. It violates the law of God and the law of men as well.

(4) That law-abiding white people and law-abiding Negroes, as far as may be needed, will aid the proper officers of the law to apprehend and bring to trial all offenders against the law, whether individuals or mobs, regardless of race, with such proof to convict as may be within their knowledge and control.

(5) That in the adjustment of all differences between the races absolute justice as to all legal rights shall be secured to each individual, irrespective of race or social conditions.

(6) That the press of the state may be used to create, in every

* Business Men's Gospel Union, Atlanta, Georgia. Ex-Gov. W. J. Northen, Pres., Jan. 1, 1907.

possible way, such public sentiment as will maintain obedience to law.

(7) That all the people may pronounce, positively, against all undue delays by the courts, whether through forms of the law or through petty technicalities that finally defeat the ends of justice, and demand such changes in the law as will make the penalties for violation swift, certain and effective, and the confidence of the people absolutely complete.

POLITICAL CORRUPTION

The chief social wrongs in this field are: the bribery of common councils by economic interests, particularly in sale of franchises; the bribery of state and federal legislators; the appointment of inefficient and dishonest functionaries; the manipulation of accounts of city finances to conceal illegal, negligent or corrupt expenditure of funds.

The Referendum and Recall as a Means of Checking Corruption

Under American law when a contract has once been made between a city or state and private party or corporation, it is well-nigh impossible to void it by litigation. Dishonest men are aware of this and sometimes take advantage of the doctrine of inviolability of contract. Legislators and members of city councils have been bribed by representatives of corporations to grant valuable franchises for long terms or profitable contracts for service, contrary to the public interest and even against solemn pledges and general protest. To prevent these outrages under legal forms the referendum and recall have been tried, on the theory that contractors cannot bribe a whole community to vote against the general interest. Illustrations of the working of these devices may be given.

In the *Independent* of February 25, 1909, L. J. Abbott, professor of American History in Central State Normal School, Edmond, Oklahoma, writes concerning one of the results of the referendum in Oklahoma. "At the recent election the voters of Oklahoma passed on five referenda or 'State Questions,' as they are officially designated. . . . Question Number 5 was the only referendum presented by initiative petition. It was a statute to sell the school lands. Ever since the organization of the territory in 1890 the tenants of these public lands have clamored for their sale. The lessees, because

of their zeal and solidarity, have controlled both political parties for years. Had the federal government allowed the lands to be sold previous to statehood this magnificent school endowment would have been squandered long since, just as it has been in all the states of the middle west. But joining old Oklahoma with Indian Territory (which was given money in lieu of lands) has given the state such a large population not directly interested in the sale of the public domain that the bill of the lessees' lobby was defeated in the state senate. Immediately on the adjournment of the legislature the lessees initiated the already discredited measure. The politicians of both parties very generally sided with them because of a servile cringing to their eight thousand votes, yet they were decisively beaten. . . . This certainly was a victory worth while, for it leaves Oklahoma with a larger college and common school landed endowment than is possessed by any other commonwealth in the world." After pointing out some defects in the provisions of the law, Mr. Abbott adds: "But even if it remains as it is, few Oklahomans would think of abolishing direct legislation. It is a wholesome restraint on the legislature, and besides if these five measures had been voted upon at a special, instead of a general, election, each majority would have registered the opinion of by far the greater portion of the intelligent voters of the state, and every measure would have been settled exactly as the people intended it to be, for at a special election the sluggish and unintelligent would have no way of blocking the will of the great majority."

The same issue makes editorial mention of the "rapid growth of the movement for the insertion of recall provisions in recent charters." Los Angeles, Pasadena, Fresno, San Bernardino and San Diego of California cities are mentioned, also the fact of the first use of it in Los Angeles in the removal of a councilman.

The article then takes up the movement for the removal of Mayor Harper, of Los Angeles.

"The Municipal League, with the co-operation of several other civic organizations, has undertaken the recall of Mayor Harper because the league alleges he has made unfit appointments to office and he has failed to keep his personal promises as well as election pledges; because he has used the offices at his disposal to pay political debts; because he has been a party to marketing the stock of several corporations in which he and members of his police commission were large holders and promoters among the very people, like the owners and keepers of saloons and assignation houses, whom the police com-

mission is expected by the charter to regulate and control; because during the past two years gambling has existed unchecked for long periods of time and certain saloons and lodging houses have been allowed to do about as they pleased while others have been held rigidly to the law; because thuggery and house breaking have been carried on to an intolerable degree; because the state is about to spend $25,000,000 in the Owens River Aqueduct enterprise, and the make up of the board which has in charge the expenditure of this money is a matter of vast and imperative importance to the taxpayers."

Under these criticisms, Mayor Harper resigned and on the 26th of March, 1909, the reform element elected George Alexander to be Mayor.

Years ago, one of the noblest representatives of the best American ideals in practical philanthropy wrote:*

"While discussing the reformation of criminals it is distinctly in order to say something about the reformation of politics. For if the state have within itself the elements of criminality, how can it hope to reform criminals? There are those who pretend to believe that it is necessary to set a thief to catch a thief, but the policy of setting a thief to reform a thief has, I think, never found a defender. And yet it has frequently happened that those representatives of the state with whom criminals are brought most intimately and continuously in contact, policemen, police justices, sheriffs, sheriffs' deputies, and jail keepers, are only a shade, if at all, better than the criminals themselves. . . .

"Now, in treating any chronic disease, the hope of cure lies very largely in curative treatment in the early stages. And yet it is with the officials enumerated above as most likely to be tainted with criminal instincts that the man or woman is first brought in contact. Petty offenders and those living on the verge of criminality in our large cities seldom get past this line of guardians of the peace, and live always more or less in their presence. The policeman to them represents the state. . . . If the state, through these its representatives, gives object lessons in corruption, the classes that tend to criminality cannot but infer that the state is fundamentally as criminal as themselves; that, in short, criminal instincts are universal, the only difference being that they are concealed by varying degrees of hypocrisy, and their activity is attended by varying measures of success. . . .

* Warner, A. G.: *American Journal of Sociology*, Vol. I, page 290.

"And yet what other thought can be instilled into the mind of a young man whose wildness has not yet ripened into crime? He can get his drinks on Sunday in violation of the law, perhaps because money is paid the police, and perhaps because the saloon keeper that he patronizes is a city alderman. The gambling den to which he goes is immune from interference, the light in the passage-way leading to it shines out on the pavement where brass-buttoned policemen walk with eyes that see not because the man who runs the establishment is the Republican committeeman from that ward. Of the houses of prostitution with which he is acquainted many are 'pulled,' but few are closed. . . . When certain of his cronies are arrested on rather serious charges he finds that the police court is presided over by a man without dignity and without honor. . . .

"Now it did not need a Lexow committee to tell the criminal and semi-criminal classes of New York that her police department was corrupt. The corrupt practices at which the country threw up its respectable hands in horror had for years been the accepted and commonplace facts of their lives upon which all their activity had been conditioned. What chance was there that the state, through the weak precepts and prohibitions of its statute book, should counteract the powerful teaching of this, its own bad example? How many years at Elmira would it take to reform a young man whose character had been formed in the first place by life in the slums of a city so governed? . . .

"The remedy for it is this: There must be in each locality a body of conscientious voters slightly more numerous than the criminals and semi-criminals, and just as active politically, just as non-partisan in local affairs, and (here is usually the rub) just as coherent. . . . Our whole business in this discussion is to note how essential to the right treatment of criminals is the reform of our local governments. . . . The community is, in fact, *particeps criminis*. . . . Many of those whom we call our best citizens . . . are personally interested in having a local, or possibly a state, government that is not too honest. . . . They do not think themselves responsible for open gambling dens and scandalous police courts, but they are. I have known more than one promising movement for municipal reform to be wrecked on such hidden rocks as these. When the criminal indicts the community because of corruption in some branch of local government he is usually right. If we try the case on its merit the indictment stands. The only way that you or I can clear ourselves of complicity is by showing that we have done the utmost

humanly possible to bring about a better state of things. But if, unhappily, we are compelled on the basis of the facts of yesterday to plead 'Guilty as charged,' then the only way in which we can do 'works meet for repentance' is to see to it that the facts of today and of the swift coming tomorrows give no ground for our further indictment."

"Corrupt practices acts," following the English example, have already become effective means of preventing wrongs in connection with elections.

"Closely related to the Australian ballot and the primary election reforms safeguarding our nominations and elections is that which arises to punish the corrupt use of money and other forms of bribery in securing either nominations or elections to office. . . . By penalizing the use of money for the purchase or influence of votes, it is hoped to prevent mercenaries from controlling nominations and elections, and to enable merit instead of money to decide the issue at the polls. . . .

"The first corrupt practice act seems to have been passed in New York in 1890. More serious and successful attempts in the same direction were made the next year in Colorado and Michigan. In 1892 the New York law was changed, while an act was also placed upon the statute books of Massachusetts which was said to surpass all of its predecessors in efficiency and completeness. . . . In 1893 a gratifying advance was made in Delaware, Kansas, California, and Missouri. . . . After 1893 the following states enacted or amended corrupt practices legislation, ranging from the most complete type to that which is the very embodiment of imperfection: In 1894, New York, Massachusetts, and Georgia; in 1895, Arizona, Montana, Minnesota, Connecticut, New York, Iowa, Pennsylvania; in 1896, Utah, Ohio, New Jersey, New York, and South Carolina; in 1897, Wisconsin, Nevada, North Carolina, Tennessee, California, Missouri, Nebraska and Colorado; in 1898, Florida; in 1899, California, Nebraska and Nevada; in 1900, Kentucky, Maryland, New York, Massachusetts, and Ohio."*

* Meyer, Ernest Christopher: Nominating Systems, page 445. Madison, Wis., published by the Author, 1902.

Municipal Research and Enforcement of Law*

"Municipal research is a method of learning and making known what happens in and through municipal government, who does it, when, with what result, to what causes results are due and what could improve the result. It concerns itself with all acts and methods which affect or are affected by municipal administration. It will further the enforcement of law because it will show to what causes non-enforcement is due, in what places it exists, and to what defects of law itself or of public administration of law non-enforcement is a witness. It will be needed as long as *evidence* is necessary for the enforcement of law.

"Municipal research has been given its gauge by a New York body, called the Bureau of Municipal Research, which has recently been duplicated in Memphis, Cincinnati and Philadelphia and bids fair to have a numerous progeny in the near future. It has come to suggest citizen inquiry followed by the introduction of records and methods in governmental offices that will tell the truth about money spent when spent, and work done when done by city officials and employes. Faithless employes have been dismissed. Heretofore honored officials have been removed. It is becoming easier to work than to loaf, to be honest than to be dishonest.

"Municipal research has everywhere maintained that the open public eye rather than the aroused public conscience is essential to enforcement of law, and that the reason for the law's failure is more often in defect of evidence than defect of law. It will make it easier to detect and to treat efficiently the ordinary violations which the term *crime* connotes. What is more important, it will make it easier to detect and to treat effectively other acts which heretofore have been regarded as not-quite-crimes or unprovable crimes, such as many forms of political corruption, favoritism in letting contracts, padded payrolls, juggling with public records, winking at goods below specifications in quality and quantity, diverting funds from purposes for which they are voted, destroying records, making excuses or claims which misstate the truth.

"As to acts already recognized as crimes, municipal research can locate conditions that promote crime, learn where and why treatment is ineffective, enhance the danger of committing crime by making its

* This account of a promising movement is furnished by Dr. W. H. Allen, member of the Board of Directors of the Bureau of Municipal Research in New York City.

detection more certain. It will shorten the life of each kind of crime by detecting sooner that the not-yet-recognized crime is anti-social and dangerous enough to be stamped as crime. By recognizing early the criminal character of certain business practices, society can "nip in the bud" such practices before their beneficiaries become entrenched behind wealth or numbers. 'Treason itself becomes respectable when traitors become numerous enough.'

"Municipal research methods need to be applied to police departments everywhere, to lower and higher criminal courts, to prosecuting offices, to probation offices and juvenile courts, to correctional institutions, to school discipline and to the public law departments, variously known as corporation counsel, law department, attorney general, public solicitor, etc. What society does to the ordinary criminal is now more harmful to society than what the criminal does to society. Municipal research will help reduce the manufacture of crime by inefficient social treatment of crime. Almost without exception police court records are so deficient, probation courts so carelessly superintended and tested, correctional measures so blindly and trustingly applied, prosecuting attorneys so free from accountability, courts so immune to criticism even by themselves, that a great part of official effort to enforce law now breeds contempt for it and fosters ability to evade it.

"The not-quite-crimes are of even greater consequence. Society is more helpless before them because it has not yet learned to locate them, their centers, their results. Here particularly municipal research will prove serviceable. It will make many forms of anti-social acts and infidelity to trust as certain of detection and penalty as is personal violence or petty thieving. Perjury or forgery on the part of a public officer will be seen to belong to the genus crime, species perjury or forgery. Falsifying a payroll certificate, if you can only prove the fact, is not dissimilar to forging a bank check. Calling rotten apples "A1" is no longer an innocent act when once the false certificate can be traced directly to the false certifier. Holding ten hearings to do the work of one will not be so innocent a practice when the condemnation commission's own records of condemnation proceedings show that the nine extra meetings were known to be unnecessary.

"It will discover those enactments, improperly called laws, which express the will of a small minority and by their repeated infraction tend to discredit all law. It will doubtless find, however, that in the case of most of the alleged unenforceable laws regarding

vice and alcohol, etc., that the breakdown is due not to an irreconcilable majority, but to a perniciously active minority. No state can enforce a prohibition law which does not employ the methods of municipal research to insure progressive, cumulative justification of that law and refutation to its detractors.

"The whole spawn of crimes that accompany political corruption depend upon some one's ability to give away something that does not belong to him, which in turn depends upon public ignorance of what is being done with its money and its power. To supplant ignorance with knowledge, it is necessary to take away the ability to fulfill pledges to those who want to prey upon the public. In politics, as in churches and universities, it is not easy to steal or do injustice when the actor stands on a platform in full view of an audience intent upon what he is doing. Take away the probability of concealment and few men have the physical courage to defraud their fellows or violate law. This result government may effect by borrowing from the tried practices of efficient private business.

"Most important of all is the effect which increased efficiency in all public office will have upon enforcement of law. Official incompetence breeds violation of law just as a devitalized lung breeds tuberculosis. It needs but one colony of germs to give galloping consumption to an overworked man. So it needs but one small initial center of crime to honeycomb an official machinery where municipal business is inefficiently done. If unwarranted profits are not paid for supplies, the contractor will not be tempted or compelled to give the bribe that demoralizes every one who touches it. If churches and charities get only what they are entitled to and what they can compel by law, they will not be afraid to oppose criminality and law evasion or violation, and will, as a matter of course, refuse to give character and support to political plunderers and the halfbreed corruptionists and criminals that feed on official infidelity. If a working day on a public job is eight hours with reward commensurate with work done, political positions will not be attractive enough to justify crime, corruption and risk of disgrace and imprisonment. If the man who receives goods cannot guaranty that his certificate will pass them when the inspector comes around, or when "central" audits them, his friendship ceases to be worth enough to tempt or compel presents and bribes.

"Just in proportion as competence supersedes incompetence will it be difficult for the relatively few who start out to violate law either to protect themselves or to entrap the many who lack both the desire

and the courage to commit crimes or abuses either flagrantly or where the risk is great or where there is the slightest uncertainty about concealment.

"Again, efficiency brings to the fore men whose only ambition and only reliance is that efficiency. It pays them and insures their permanent tenure and advancement to make crime and evasion of law certain of detection. They fight harder, because less blindly, to prevent crimes than can the others to commit and protect them. When detection is made more certain than protection the scepter of dominion passes from the man who would conceal dishonesty or incompetence to his fitter-to-survive fellow who gains by advertising what he does.

"Municipal research will do for the hundreds of thousands of public employes and for the millions upon millions of official acts in city, state and nation what the electric light does for the criminally minded and for dark or winding or isolated streets. It has been generations since any one questioned the efficacy of street lights, standing police force, fire and police alarms, in promoting the enforcement of law. Furthermore, it has been generations since the world accepted the idea that the efficacy of these various agencies is due only in part to the fact that they help fix responsibility and furnish evidence for prosecution, but primarily to the fact that because they fix responsibility they make violation of law difficult to conceal, hence progressively unattractive. Municipal research merely asks that society shall so organize its public business that every public official shall carry his own light and shall provide his own carbon copy and notched receipt stub to play cash register to his acts or electric alarm to the controlling centers that there is something wrong with public business in this or that particular place.

"Constructive municipal research in New York City, Philadelphia, Memphis and Cincinnati has concerned itself with innumerable public activities, most important of which, for purposes of this statement, are 'Public Budget Making' and 'Public Accounting.' For a budget, or annual appropriation bill, based upon estimates that did not tell the truth, either as to purposes for which money was asked or as to amounts spent for such purposes in preceding years, New York City has substituted a method of budget making which sets aside funds for definite purposes and provides the means by which the community can learn whether or not those funds have been used for such designated purposes. Among the steps essential to harnessing 100 per cent of every unit of government to a program of enforcing the

law, through steps and devices that make obedience to law easier and more attractive than violation of law, are the following steps in budget making already adopted in New York City:

(1) Uniform questions are sent out to all departments. This is the only way of getting uniform answers, so that the dates talked about, the salary changes and cost of supplies and repairs, etc., will mean the same thing in all estimates, for each department and for each main division of work.

(2) Five periods are called for, because in this way padding or increases unaccounted for are quickly detected. If a request for $1,000 for postage stamps is placed opposite the statement that $73 was spent last year, some one is pretty sure to ask why.

(3) Unless the actual payroll cost and general maintenance cost are given for more than one month, the "June hump" will continue. The number of men needed will be overstated, and when money is obtained, several men will be dismissed and the money appropriated for them used to increase the salaries of those who remain.

(4) Whether payroll increases are for additional employes or to increase salaries of present employes is extremely important. Last year, Mayor McClellan tabooed all salary increases. After the proper form had been filled out, it was possible to learn at a glance for whom salary increases were requested, and the burden of proof as to additional employes needed was easily placed upon department heads.

(5) To standardize cost of repairs and maintenance for streets will not only insure equal provision for all streets, but will make waste difficult. The engineers of the Bronx signed a statement in 1908 that caused a reduction of $250,000 in their own allowance, when *miles of streets* was multiplied by *proper cost per mile*.

(6) The printing and distributing of estimates (for more important departments separately) with reasons for allowing or disallowing these estimates, is necessary to make the preceding budget steps effective. Publicity which does not inform the public is not publicity, no matter how many million pages are printed by the government. Hence, the need for active civic bodies to pick out of these budget statements the essential points most likely to be of interest to the general public and to make them known through the press. Last year, from July through October, the newspapers of New York, more particularly the real estate columns, took up one point after another,

so that by the time of public hearings the taxpayers were well enough informed to put the usual indefinite protest or demand at a discount.

(7) A public hearing on the estimates should be insisted upon, because in theory the fiscal authorities as late as the filing of these estimates, are still open-minded and willing to take suggestions from taxpayers as well as officials. The fact that taxpayers will come to a hearing with definite reasons for social benefits, which department heads fail to ask for, or against unjustifiable demands, will make those heads more ready to give full consideration to taxpayers' requests and protests before making their estimates.

(8) The hearing on the tentative budget—what, after considering all estimates, the city officials propose to vote unless taxpayers change their minds—is most important, yet it is practically unknown in the United States, except in New York, where it was granted in 1908 for the first time. When discussing estimates which greatly exceed the probable budget, the burden of proof is upon the taxpayer, whether he is talking for or against a particular estimate. When, however, a proposed budget is being discussed by taxpayers, the burden of proof is upon the city official.

(9) The publication of the tentative budget far enough in advance of the hearing on that budget to permit analysis and discussion is indispensable. The time will come when, in connection with the tentative budget, city officers will also publish a list of requests refused. The board of estimate would hardly have announced last year that it had refused to allow funds for a supervisor of playgrounds had the public known that it was voting the same amount to a park attendant who had special permission to go to school instead of attending parks. Every budget-making body should publish all rejections or reductions side by side with allowances.

(10) After the budget is voted, citizen organizations should see that their cities promptly know what is provided for and what is left unprovided for during the next year. Emphasis should be laid not upon tax rates and the size of budgets, but upon the work that the community will be able or unable to get done.

(11) Obviously, it will do little good to vote money for purposes which the public approves, if officials can later use the money or other money from the sale of revenue bonds for purposes which the public would never have approved. With few exceptions, this practice of transferring funds when the public is not looking operates to the injury rather than to the benefit of the public. It is a dismal

philosophy which believes that the best way to help the public is to keep it in ignorance of what is being done for it. It is true that Pittsburgh owes many of its park lands to a benevolent despot who clamorously obtained funds for street repairs, etc., which the public appeared intelligent enough to demand, and later transferred them to the purchase of parks, which he thought the public was not yet intelligent enough to demand. But what good can come from using vacation school money to increase salaries of superintendents, or from not using money for attendance officers or from crippling elementary schools to increase salaries for supervisory staff? A resolution should therefore accompany every budget to the effect that moneys therein appropriated may not be used for other purposes without authority from the appropriating body, and without due notice to the public. Such hardship as results to department heads wishing latitude may be obviated by voting such an emergency fund as experience proves would have afforded ample latitude in preceding years.

(12) After all these steps have been taken, it is still possible for a department head to use up most of his year's appropriation during the first few months, thus incurring a deficit which seems to justify an urgency appeal for more funds later in the year. A borough president, given $220,000 for a bureau of highways, started the year 1908 with a payroll of about $320,000, and by May had a payroll of $420,000. Of course, he ran out of funds by August. To inhibit this temptation, New York City has in 1909 a provision that the monthly payroll shall not exceed in any one month one-twelfth the annual appropriation. Loading up for primaries and elections is at once detected. Nor can salaries be increased unless enough men drop out to release funds for such increases. It is a boomerang to use this power, because the fact that a man can get along with ten stenographers in February and March is a good reason for not granting him fifteen stenographers for next year.

(13) What is the use of all these restrictions unless steps are taken to see that they are carried out? As a part of New York's budgets for 1909 and 1910, a resolution instructs the city comptroller to look at payrolls to see not only that they do not exceed one-twelfth of the annual appropriations, but also that the amounts voted are according to the pre-budget advertised intentions. The intentions themselves are printed in the form of schedules as part of the budget.

(14) Finally, to make possible these steps and to make certain

their execution, it is necessary to have from the first day of the year in all departments modern business methods of describing work done when done, and money spent when spent, plus methods of inspection and of audit to see that rules are complied with and the truth told. The daily papers of New York reported that delicacies, such as strawberries in mid-winter, extra fine brands of cocoa, asparagus out of season, etc., have for years been paid for by Bellevue and allied hospitals, New York City, under such names as carrots, oranges, green-peas, etc. The hospital's auditor was removed for certifying alleged copies of bills from supply houses, although he knew these copies were falsified to misrepresent purchases. If such action is possible in an institution headed by a volunteer board of philanthropists, what can be expected in departments with avowed political management? Such practices grow suddenly and spread like the Canadian thistle, wherever accounting methods afford possibility of concealment or of confusing the public mind.

"With the co-operation of the Bureau of Municipal Research, the comptroller for the city of New York during the period 1906 through 1909, Hon. Herman A. Metz, has installed a modern system of accounting which will definitely locate responsibility for the requisitioning, ordering, receiving, certifying and inspecting of goods and for the audit and payment of bills. Similarly the methods employed by private enterprise will be used from 1910 on to locate responsibility for every man on the payroll, for his employment, for certifying as to character and amount of work done, and compliance with both the civil service law and budget appropriations.

"Descriptive of the new accounting procedure, the city comptroller has issued a brief statement of 57 pages to enlist citizen interest and understanding. To the employes and officials of the city responsible for executing the new system of accounts, the comptroller has issued a Manual of Accounting and Business Procedure for the City of New York (550 pages) which promises to be the Rosetta Stone of American municipal reorganization. These two documents, together with important publications of the Bureau of Municipal Research and the commissioners of accounts in New York City, will prove serviceable to any official, any taxpayer, any group of citizens wishing to put township, county, city, state or nation in the position of providing atmosphere, mechanism, and habits which contribute to the enforcement of law and which continuously and accumulatively inhibit impulse to violate the law. They will be helpful not merely

because they will suggest hundreds of significant questions that should be asked with respect to each division of government and to each habit of government, but they clearly set forth corrective measures plus a description of how those measures should be instituted and executed. All of these studies and documents have aimed to bring about a condition where (1) responsibility may be located for each step in each transaction which results in the receipt and payment of money, the acquisition and sale of property and the incurring and liquidating of liabilities; (2) definite rules will be established, departure from which in the administration of the city's affairs may be treated as a breach of duty; (3) changes in corporate practice will be ordered in writing, showing who causes and assumes responsibility for the change; (4) the means of knowing the technical requirements and his own rights may be available to each one who has dealings with the city; (5) a procedure will be established to make always available to the public a definite test of economy, efficiency and fidelity of service; (6) the public will currently use available information through some such educative agency as the Bureau of Municipal Research.

"In conclusion, municipal research will promote the enforcement of law through increasing public intelligence as to community needs and official acts. It will help remove the possibility—municipal history says certainty—that an honest, efficient official will be discredited because the enemies of law, order, honesty and efficiency succeed in misinforming the public with regard to him. It will disclose and interpret to the great majority who want law enforced impartially their irresistible power if they will substitute evidence for good intention in coping with the minority who are responsible for violation or non-enforcement of law."

MOVEMENTS TO MITIGATE THE INTENSITY OF INTERNATIONAL HOSTILITY

It is quite clear that the war spirit, so far as it is revengeful, tends to keep alive the savage and murderous instincts among men. Whole nations may suddenly be turned into mobs by an appeal to a passion which often masks itself under the name patriotism. Armies and navies are at present as necessary as armed police force, and their action in battle may be justified by the analogy. At the same time war, however necessary, however noble under some conditions, carries with it of necessity a certain injury to character and a loss of wealth much needed for raising the level of human life.

Both directly and indirectly, therefore, the preparations for war as well as actual battle tend to increase crime. The international peace movement has its organizations in the United States. Its purpose is to convince the people that the best defense against aggression is in a policy of reason and justice toward all nations. In this movement are extremists who would either abolish army and navy or so weaken them as to render them ridiculous and useless. Others more practical seek to show the waste of war, and to promote as rapidly as possible the use of treaties and courts of arbitration between peoples so as to diminish the necessity for a resort to bloodshed.

American Peace Society*

The declared purpose of the society is to "diffuse light respecting the evils of war and the best means of effecting its abolition." Its influence is world-wide, having first taken up, at the suggestion of Rev. Joseph Sturge, of England, the idea of holding international peace congresses. The society has a growing membership in all parts of the United States. The American Peace Society has been represented in nearly all the international peace congresses held since 1889.

In the spring of 1903 a resolution, prepared by the secretary of the society, was passed by the Massachusetts legislature, urging the Congress and Government of the United States to take steps toward the establishment of a periodic congress of nations.

We are accustomed to look up with reverence to the highest judicial tribunal of our nation for the loftiest expression of our worthiest aspirations. In his sublime address on The Mission of the United States in the Cause of Peace, Justice Brewer of the Supreme Court of the United States declared that men of business and enterprise, as Carnegie, the wage-earners of the nation and all women preferred peace to war, and were eager to settle all national as well as personal misunderstandings by the reasonable decisions of high judicial bodies. He presented this picture as the parable for his discourse:

"In South America, Chile and the Argentine Republic disputed for years over their boundary. They were gathering for a desperate and fearful struggle, when, in the hour of impending conflict, the song of the angels of peace touched the hearts of both nations. They settled their dispute, sold or converted into merchant ships some of

* Secretary, Benjamin F. Trueblood, 31 Beacon Street, Boston. Bliss: Encyclopedia of Reform, 1908, p. 37.

their war vessels, and thus took a foremost position in the way of national disarmament. In commemoration of this, on the summit of the Andes, nearly three miles above the level of the sea, on the border line fixed between these nations, has been uplifted a colossal statue of Christ, cast from the bronze of old cannon left there by the Spaniards at the time of the struggle for Argentina's independence, and on it this inscription: 'Sooner shall these mountains crumble into dust than Chileans and Argentines shall break this peace which at the feet of Christ, the Redeemer, they have sworn to maintain.' God speed the day when a similar statue shall be lifted up at the border of every nation to become the enduring witness to perpetual peace."

VII

EDUCATIONAL METHODS OF PREVENTING CRIME

THE pioneer organizers of public education have always argued for free schools and compulsory attendance on the ground that education prevents crime; that schools are cheaper that prisons, and that we must choose between them.* We need not go further than Horace Mann, whose name is held in honor among all Americans for his eminent and successful service as representative of the best thought of progressive men in the Union. In his eleventh annual report (1847)

* See this idea in Victor Hugo's poem, "Écrit après la visite d'un Bagne" and in writings of the Illuminists of the 18th Century.

ÉCRIT APRÈS LA VISITE D'UN BAGNE

Chaque enfant qu'on enseigne est un homme qu'on gagne.
Quatre-vingt-dix voleurs sur cent qui sont au bagne.
Ne sont jamais allés à l'école une fois,
Et ne savent pas lire, et signent d'une croix.
C'est dans cette ombre-la qu'ils ont trouvé le crime.
L'ignorance est la nuit qui commence l'abîme.
Où rampe la raison, l'honnêteté périt.
Dieu, le premier auteur de tout ce qu'on écrit,
A mis, sur cette terre où les hommes sont ivres,
Les ailes des esprits dans les pages des livres.
Tout homme ouvrant un livre y trouve une aile, et peut
Planer là-haut ou l'âme en liberté se meut.
L'école est sanctuaire autant que la chapelle.
L'alphabet que l'enfant avec le doigt épèle
Contient sous chaque lettre une vertu; le coeur
S'éclaire doucement à cette humble lueur,
Donc au petit enfant donnez le petit livre.
Marchez la lampe en main pour qu'il puisse vous suivre.
La nuit produit l'erreur et l'erreur l'attentat.
Faute d'enseignement, on jette dans l'état
Des hommes animaux, têtes inachevies,
Tristes instincts qui vont les prunelles crevées,
Aveugles effrayants, au regard sépulcral,
Qui marchent à tâtons dans le monde moral.
Allumons les esprits, c'est notre loi première,
Et du suif le plus vil faisons notre lumière.
L'intelligence veut être ouverte ici-bas;
Le germe a droit d'éclore; et qui ne pense pas
Ne vit pas. Ce voleurs avaient le droit de vivre.
Songeons-y bien, l'école en or change le cuivre,
Tandis que l'ignorance en plomb transforme l'or!

to the Massachusetts state board of education* this noted pioneer of common school advocates in the United States distinctly argued for public education on the explicit ground that it would almost or quite abolish crime,—and many others copied and repeated his argument. He taught that education is indispensable to the legitimate production of wealth.

"The indispensableness of education to worldly prosperity has also been demonstrated. An ignorant people not only is but must be a poor people. They must be destitute of sagacity and providence, and, of course, of competence and comfort. . . . No richness of climate, no spontaneous productiveness of soil, no facilities for commerce, no stores of gold or of diamonds garnered in the treasure chambers of the earth, can confer even worldly prosperity upon an uneducated nation. Such a nation cannot create wealth of itself; and whatever ideas may be showered upon it will run to waste. The ignorant pearl divers do not wear the pearls they win. The diamond hunters are not ornamented by gems they find. The miners for silver and gold are not enriched by the precious metals they dig. Those who toil on the most luxuriant soils are not filled with the harvests they gather. . . . Let whoever will sow the seed or gather the fruit, intelligence will consume the banquet.†

"If the difference between persons dwelling in the same community and living side by side be less striking to the senses, it is not less instructive to the reason. In my fifth annual report I presented the testimony of some of the most eminent and successful business men amongst us, proving from business data and beyond controversy that labor becomes more profitable as the laborer is more intelligent. . . . Knowledge and a highly developed and highly trained reason are to the temporal necessities of man what instinct is to the brute. . . . There is no earthly power but education which . . . can rescue the human race from sinking as much below the brute creation as they were designed to rise above it. . . .

"Having proved, then, in former reports, by the testimony of wise and skilled men, that disease may be supplanted by health, bodily pain by enjoyment, and premature death by length of life merely by the knowledge and practice of a few great physiological principles such as every person can easily master before the age of sixteen years; and having also shown, by testimony equally authentic

* Reprinted by U. S. Bureau of Education, 1898–99.

† Now we should add that only educated people care enough for varied gratifications to have the incentives to steady industry and commerce, motives to sustained efforts in production.

and satisfactory, that intelligence, co-operating with the bounties of nature, is sufficient to secure comfort and competence to all mankind, I propose to myself in the residue of this report the still more delightful task of showing, by proofs equally unexceptionable and convincing, that the great body of vices and crimes which now sadden and torment the community may be dislodged and driven out from amongst us by such improvements in our present common school system as we are abundantly able immediately to make."

To prove this optimistic conclusion he gathered and published the opinions of teachers of long experience and sound judgment. In his circular requesting such opinions Horace Mann said: "Including all classes of offenders, both the less and the more flagitious, it is undeniable that there exists amongst us a multitude of men of whom it may truly be said, that it would be better for the community had they never been born. . . . To thin the ranks of this host of enemies to the welfare of the race, or to cripple the evil energies of those who could not be wholly reclaimed has been the object of philanthropists and sages from the beginning of time. Their efforts, however, have been expended a million fold more upon the old than upon the young; and a million fold more, also, in the way of punishment than of prevention."

Mann's definition of education deserves notice. "I will not dwell here upon the amazing absurdity of any definition of the word 'education,' whose spirit or whose terms are satisfied by the mere ability to read and write. Reading and writing may be, and among this class of persons they usually are, mere mechanical processes; and how such attainments should ever have been dignified by the name of 'education' or confounded with that noble culture of the soul which pours the noonday illumination of knowledge upon the midnight darkness of ignorance, which seeks to enthrone the moral faculties over all criminal desires and propensities, and to make the entire course of instruction subservient to the great duties of love to God and love to man—how an absurdity so extravagant and now so obvious could ever have been committed can be explained only by reference to the low and unworthy ideas of education which once prevailed. . . . The lowest claim which any intelligent man now prefers in its behalf is, that its domain extends over the three fold nature of man—over his body, training it by the systematic and intelligent observance of those benign laws which secure health, impart strength, and prolong life; over his intellect, invigorating the mind, replenishing it with knowledge, and cultivating all those tastes which

are allied to virtue; and over all his moral and religious susceptibilities also, dethroning selfishness, enthroning conscience, leading the affections outward in good will toward men, and upward in gratitude and reverence to God."

His conclusion was full of hope. "It seems to me that the time is now arrived when the friends of this cause should plant themselves in a more conspicuous position, when, surveying the infinite wretchedness and crime around them before which the stoutest heart is appalled and humanity stands aghast, they should proclaim the power and the prerogatives of education to rescue mankind from their calamities. Founding themselves upon evidence that cannot be disputed, and fortifying their conclusions by the results of personal experience, they should proclaim how far the miseries of men can be alleviated and how far the dominion of crime can be overthrown by such a system of education as it is perfectly practicable for every civilized community forthwith to establish, and thus should they awaken the conscience of the public to a sense of responsibility."

It is thus obvious that Horace Mann believed and hoped that universal education, as he defined it, would speedily abolish vice and crime, or almost banish it from any nation which should adopt his policy; and the letters which he collected and published show that his optimism was fully shared by contemporary educators.

Since his day both experience and criticism have modified the hopes and aims and methods of educators. Thus we make more of physical training, and not mere knowledge of physiological laws, on which Mann laid stress. We are emphasizing vocational training, since we have discovered that the most intelligent man cannot secure an honest living without skill. In Mann's day this was not obvious, as youth then learned tasks by apprenticeship. We have abandoned religious (and often even moral) instruction in public schools. Mann depended upon both, and in this respect the influence of secularism and sectarianism have almost abolished elements of power on which he relied.

But on another side new and unexpected factors have come in to disturb Mann's calculations about the power of education—the facts of immigration of a totally different class of population from any he knew, and the congestion of population in large cities.

It is true Horace Mann recognized that outside the public school adverse influences might arise to counteract its work. Thus he says, in a sort of parenthesis, and slightly: "While, therefore, the above supposition leaves children exposed in many cases to the perni-

cious family and social influences under which they are now suffering, it assumes that all the children, when out of school, shall meet only such children as are enjoying the same high training, the same daily instillation of moral principles as themselves" —a supposition impossible now to any one who knows life in New York, Boston, Chicago, etc. Nor did Mann foresee all the evils in the South of slavery, of the impoverishing and ruinous effects of the Civil War, of the slow recovery from poverty, of the tedious process of raising an inferior race to civilization, of the rancor, prejudice and persecution which attend race conflict.

Because his scheme of education was defective and because forces which he did not know or duly estimate were far stronger than he thought, the public school system has indeed been vastly extended and in some respects improved,—but vice and crime have also grown; whether more than in his day, statistics are too imperfect to inform us. We still believe in public schools as a means of preventing vice and crime, but we no longer look to them as almost the only measure of prevention necessary.

A recent Spanish writer* has said: "Thus it has happened with the famous phrase of Victor Hugo that 'every school that is opened causes a prison to be closed.' We have created them and adjusted them to modern requirements, but criminality in spite of them increases. 'And the school,' according to Guillot, a wise French judge, 'that ought to be an instrument of civilization, light and progress, has remained sterile, and contrary to that which we had a right to expect; we witness the sad and peculiar phenomenon of an increase of criminality in the districts and in the social classes where there are fewest illiterates!' In this view and in accord with our ideas, read what the illustrious Doctor Tolosa Latour says: 'This fecund seed of virtue and progress which produces in the human soul love for goodness with so much power and with such deep roots that it triumphs over low passions and evil desires, does not germinate elsewhere than in the home, in the bosom of a family which is well organized, healthy, honorable, discreet.' Only in the family which is healthy can virtue germinate; that is to say, in a family of which some one has said that it has the three a's: alimento (nutrition), aire (air), agua (water); and we add, light and cleanliness."

We shall, therefore, describe certain typical forms of education that will illustrate recent tendencies of expert opinion and actual

* Revilla, Gerardo Gonzalez: La Proteccion de la Infancia Abandonado. Bilbao, 1907, p. 21.

practice, without attempting to trace them to their historical origins.

"A parent who sends his son into the world uneducated, and without skill in any art or science, does a great injury to mankind, as well as to his own family, for he defrauds the community of a useful citizen and bequeaths to it a nuisance."*

Yet it was thought a "duty of imperfect obligation" so long as there was no free public school open to all, with requirement to attend. Individualistic theories laid upon poor parents an obligation which was not an obligation, because poor parents could not provide schools.

The need of improvement in school conditions has been described in a rather radical fashion by an eminent physician:†

"When children are overworked by the score and by the hundred in factories, in full view of the public, so that streams of their pale faces and stunted forms may be seen pouring out upon the open street, it is only a question of time when the public conscience will be awakened and the shame forbidden by law. So marked has been this effect that although there is yet abundant room for improvement, taking the civilized world as a whole, the child in the factory, shop, mine and mill is now carefully and fairly efficiently protected by wise, thoughtful and humane laws, leaving as the only unprotected classes, the children upon the farm and in the school. To what extent they need protection, not by law, but by the education of public sentiment, is the problem of this paper. . . .

"According to the last United States census, there were, of children under sixteen years of age in the United States, 650,000 employed in gainful occupations in factory, shop, mill, etc.; 1,100,000 working for wages upon farms; and roughly, 15,000,000 in schools. It is easily seen where the greatest possible menace to the future of the race might fall. If only 1 per cent of the children in schools were overworked or overconfined; if only 5 per cent of the children employed upon farms, including those working at home, were so injured, it would work more injury to the nation than if 20 per cent of those employed in shops and factories were overworked. Or to put it differently: If all the children employed in shops, factories and mines were injuriously overworked, that would only be the equivalent of the damage done if 10 per cent of the children upon

* Chancellor Kent in discussion Of Educating Childen (Kent's Commentaries, vol. ii, page 195).

† Hutchinson, Woods, M.D. Proceedings of the Fifth Annual Conference, National Child Labor Committee, 1909, p. 116.

our farms, and 5 per cent of those in our schools were overworked or overconfined.

"That overworking and underfeeding of children upon the farm and overworking and overconfining of children in the school exist, and in no insignificant number, few of experience will deny. . . . The physician in country practice can show you in the remotest and most peaceful country district as severe cases of malnutrition, of rickets, of anæmia, of diseases of the joints and spine, and of stunted development, as you can find in a city hospital. There will not be so many of them, but they will be there, nevertheless, except in unusually prosperous and well-to-do neighborhoods. In the aggregate, I think it would be safe to say that they equal, if they do not far exceed, the defectives and the degenerates of our much smaller slum population. . . . When it comes to overworking and underfeeding his children, making home hateful and life one joyless, monotonous grind, a certain type of farmer has no right to throw stones at any factory operative, miner or even sweatshop worker. . . .

"As things stand at present, it is my unwilling judgment that while the factory may become a sweatshop, the average school in the United States today is little better than a mental treadmill for the average boy of the working classes after twelve years of age; that the education is so purely formal, so bookish, so ladylike, so irrational and impractical in a word, that it stunts his mind, bewilders his senses and fills him with dislike for real education and training, which warps him mentally as badly as the factory does physically. . . . What the boy wants is not books, but *life*, not words, but *things*, and as matters are arranged at present, he has to leave the schoolroom and go into the factory or the shop to get them. . . .

"This utter lack of appeal of the public school curriculum to the working boy of thirteen or more is one of *the principal causes of the rush of child labor into the shop and the factory*. Taking the world over, the principal cause of harmful child labor is poverty. . . . In this country, however, we are more fortunately situated. Wages are higher, so that the father's income is more often or more nearly adequate to support the entire family, and the average of intelligence and humanity in the parents of the working class is much higher, so that they can see the advantage of giving their children the best possible start in life.

"Statistical investigations of this point appear to have been made only upon a very limited scale. But so far as they have gone they bring out the interesting fact that from 50 to 70 per cent

of the child labor at too early years is due to the initiative *not* of the parent but *of the child.* The causes alleged by the children for their choice were most suggestive; while many of them simply wanted to earn money, to have more to spend, to get on in the world, to buy better clothes or went just because their friends and comrades did, the largest single group gave it as their reason they were tired of school, that they could not get on at school, that they did not understand their studies or even, *horribile dictu,* that they got sick at school—they seem to stand confinement of the shop better than that of the schoolroom. In many of these cases the parents were not only perfectly willing for their children to continue at school, but were paying out money for instruction in bookkeeping, shorthand, music, drawing, etc., in addition to letting the children keep their wages. In short, the conclusion, strange as it may seem to many, is almost inevitable that if we rationalize and modernize the curriculum of our public schools, we should cut the foundation from under one-half if not two-thirds of the child labor tendency."

EXAMINATION AND DIAGNOSIS OF CHILDREN

The feeble are the prey of circumstances, the easy victims of temptation. They are excluded by physical defects from ordinary occupations which require steady and rapid workmen, and where alone an honest living can be earned by productive labor. The first essential condition of self-support and escape from parasitic habits is bodily health and force, and these depend primarily on a good start in infancy and sound development in childhood and youth. Every hour that a physical infirmity is neglected the chances of recovery are diminished. An early diagnosis increases the hope of successful treatment.

The causal relation between physical defects and failure in adaptation to social requirements is shown in a recent study:*

"The age of our race between six and fifteen years is a distinctive one, from the fact that the problem of diet, so important in infancy, decreases with the corresponding increase in bodily activity. The age of development, however, is one in which the subsequent physical and mental welfare is largely predetermined. . . . First must be met the burdens of heredity . . . . a perpetually (or rather, life-long) acting force is here to be combated and reckoned with. Second to heredity is poor city environment, with a lack of

* Cornell, Walter S., M.D.: The Relation of Physical to Mental Defect in School Children. University of Pennsylvania, *Psychological Clinic,* vol. i, page 231.

fresh air and its improper diet of canned goods. Exposed to these influences, healthy infants succumb and join the ranks of those already suffering from rickets, anæmia, and adenoid nasal obstruction. Finally, the ignorance of parents causes indifference to the damage already done, and adds premature decay of the teeth to the existing list of evident physical imperfections. . . .

"Backward and subnormal children approach so nearly the ordinary child that the connection between physical defect and brain defect is often not demonstrable at all in individual cases."

The article tabulates the results of an investigation of the condition of children in the Philadelphia public schools. "The results show that in each school, and in each individual branch of study in each school, the healthy and normal stood higher in their classes than the average children, and the physical defectives, taken as a class, stood lower than the average children."

ALLISON SCHOOL. 219 children, both sexes, 6 to 12 years old.

	Average
Normal child	75.0
Average child	74.0
General defectives	72.6
Adenoids and enlarged tonsils	72.0
Deaf	67.2

NINTH STREET PRIMARY SCHOOL. 84 children, both sexes, 6 to 10 years old.

	Language	*Arithmetic*	*Spelling*	*Average*
64 cases normal children	72.9	75.5	75.4	74.6
84 cases average children	70.5	74.0	72.8	72.4
21 cases general defectives	63.3	70.0	64.8	66.0
8 cases adenoids	60.0	66.7	65.0	63.9

CLAGHORN SCHOOL. 252 children, both sexes, 12 to 15 years old.

	Language	*Arithmetic*	*Geography and History*	*Average*
179 cases normal children	74.4	72.0	76.6	74.3
252 cases average children	72.7	70.0	76.5	73.1
73 cases general defectives	71.4	65.1	76.2	70.8

Cases of exemption and non-exemption from examinations due to class standing are reported as follows:

	Normal exempt	*Defective exempt*	*Normal non-exempt*	*Defective non-exempt*
NINTH STREET PRIMARY SCHOOL	56	28	39	38
RUTLEDGE SCHOOL	87	35	75	34
ALLISON SCHOOL	128	65	81	49
CARNAC SCHOOL	183	71	103	75
CLAGHORN SCHOOL	193	61	127	66
Percentage Defectives	28.8 per cent		38.1 per cent	

Enlarged tonsils, adenoids, deafness, and nasal catarrh occurred

much more frequently among the two classes of duller children, as the following table shows:

	Class 1	Class 15	Class 9	Class 11
	Bright Children		*Dull*	*Dullest*
Number of children	50	39	32	29
Nose and throat conditions:				
Number defective	6	4	9	9
With single or combined defects, viz.:				
Tonsils	3	4	3	3
Adenoids	2	1	5	6
Deaf	2	..	5	1
Catarrh	..	..	2	3
Percentage with nose and throat defect	12.0	10.2	28.1	31.0

It may be that physical defects are not so closely and generally the cause of retardation and moral delinquency as has been supposed. Apparently, with the exception of sight and, perhaps, hearing, such defects are in some measure outgrown. But after making all reasonable allowance and after fully admitting that investigations have left many special problems open for further inquiry, the relation between such defects and want of social adaptation and success must be admitted. All agree that:

"Everyone brings into the world a certain capital of mental ability and physical soundness. On these his value to the state will depend when he is grown. Any reasonable expenditure which will result in their enhancement is in the end an economical expenditure of public funds to promote the public welfare."*

The connection between delinquency and physical defect has often been noted. Thus Dr. MacMillan, in Some Results of Hearing Tests in School Children, calls attention to what he calls the symptomatic character of hearing defects, "for besides delimiting the field of sense impression, defective hearing may be an indication of lack of growth, of improper growth, of injury, or of diseased condition of the child. This means that defective hearing parallels other defects, sensory, motor, or of growth. This was strikingly evidenced by the examination made by the department of the six hundred boys found in the John Worthy School, a school which is supported by the Board of Education for the benefit of juveniles in the city prison. . . . It is rather remarkable that they show a greater number of hearing defects than the so-called normal pupils who are found below grade." In the John Worthy School, out of 601, there were 90 cases of defective speech, and of this number 56 were markedly subnormal

* Gulick, L. H., and Ayres, Leonard P.: Medical Inspection of Schools, p. 202 Charities Publication Committee, New York, 1908.

in hearing—*i. e.*, 61 per cent of those having speech defects were defective in hearing. . . . It is very probable that in many cases the child who is subnormal in hearing is backward in using his vocal organs for the same reason that the deaf child does not exercise the power of speech. . . . The children who are subnormal in sensory power are often branded as stupid and wayward because of their apparent inability to keep pace with their more fortunate companions. Boys of school age at the Bridewell are inferior in all physical measurements to boys in the ordinary schools, and this inferiority seems to increase with age."*

Where an examination for defects is required by law or by local regulations, simple and effective tests must be employed.

"The requirements of the new state law in Massachusetts, Vermont and Connecticut, that teachers shall test the sight and hearing of their pupils, has made it especially necessary that a simple test and form of record shall be found.

"At the Fitchburg State Normal School a group test has been adopted that is more quickly made and more accurate than individual tests. As many as fifteen children may be tested at once in an ordinary school room. They are placed five each in the two outside rows and the inside row of seats. They are supplied with paper and pencil, and asked to keep their eyes to the front while the teacher, standing on the right, opposite the middle pupil, pronounces in a low, distinct tone, and in a low, distinct whisper, a series of numbers which they are required to write as a dictation exercise. After four or five numbers have been given in a low tone, and as many in a whisper, the children change seats, those nearest going to the farther side of the room, and the middle row taking their places, those in the farthest row coming to the middle row. After dictating another series of numbers, the moving is repeated, and another list of numbers is given. This completes the test of the right ear." The left ear is tested in a similar way.†

In the case of the "imbecile with criminal instincts"‡ there is social danger of aggressive and injurious conduct, especially after the beginning of adolescence; and an early diagnosis is necessary to secure the special kind of custody and training which is required and

* From the Report of the Department of Child Study and Pedagogic Investigation. Chicago Public Schools, 1900.

† Kirkpatrick, E. A.: A Simple and Practical Test of Hearing. *Psychological Clinic*, June 15, 1909.

‡ Title of a paper by Walter E. Fernald, M.D., in *American Journal of Insanity*, vol. lxv, no. 4, sp., 1909.

which ordinary schools cannot afford. The success of such special educational methods depends very much upon their employment from infancy onward.

The essays of Herbert Spencer on Education represent a type of educational effort which is directed by the modern ideas of physical science; although the Illuminists of the 18th century had anticipated the argument of Spencer in many genial passages of prophetic character.

The primary condition of effective physical training in schools, homes and playgrounds, is an exact diagnosis, an early discovery of bodily imperfections, and a suitable prescription of exercise and regimen adapted to the development of the individual child or youth. In other words, the medical and psychological examination of individual children must lay the foundation for the methods of the school. This principle is at the basis of all the movements to secure co-ordination and co-operation between boards of health and boards of education in cities.

The points of contact between charitable, educational and medical agencies are: free hospitals for children and adults; maternity hospitals and after-care and instruction of mothers; dispensaries; crèches and kindergartens; district nurses' associations; friendly visiting and household counsellors of charity organization societies of modern types; medical school inspection followed up by a corps of school nurses; public baths and playgrounds, with proper medical supervision, and with trained physical directors of plays and athletic exercises. While not one of these agencies is developed in all our cities, each one of them has already passed beyond the experimental stage in one or more cities of the Union. In connection with each of these agencies the representatives of science have an opportunity of applying their higher standards to the child which suffers some handicap in the struggle for life.

Medical School Inspection and Examination

The physicians have naturally directed their attention to the danger from contagious diseases. In order to carry out effective plans of fighting the spread of these maladies an examination of children at entrance and at frequent intervals has been found indispensable. A recent American writer distinguishes between inspection and examination in this way:

"We should keep clearly in mind the distinction between medical school inspection, medical school examination, and medical treatment at school. Medical inspection is the search for communicable disease. The results of medical inspection, therefore, furnish

an index to the presence of communicable disease in the community. Medical examination is the search for physical defects, some of which furnish the soil for contagion. . . . Medical treatment at school refers to steps taken under the school roof, or by school funds, to remove the defects or check the infection brought to light by medical inspection and medical examination."*

Teachers have been occupied more especially with the best methods of normal growth, development and mental efficiency; and the desirability of testing the influence of school life on normal children has been made apparent.

Now the time is ripe for a systematic method of inspection which will serve both ends in the highest degree, a method in which the departments of public health and of education agree and combine. Already American society has accepted the duty of requiring attendance at school; certainly a logical part of the doctrine is that the state should see that the school does not injure the health and character of those whom it compels to attend upon instruction.

AGENCIES AND ORGANIZATION

In the primary stage the medical inspection has sometimes been locally introduced by volunteer efforts of women's clubs and medical societies. When the idea has been generally accepted, the inspections are made either by the board of health or by the board of education. The direct acts of inspection and examination are performed by a physician or by the teacher under official directions. It is manifest that teachers should be required to be intelligent on the subject and even alert to notice defects and report upon them, for a physician cannot see all the children every hour as each teacher can do. But, on the other hand, an adequate number of physicians should be working constantly with the teachers, because many symptoms would escape the notice of a teacher which would instantly be observed and interpreted by the trained doctor.

"In the United States seventy cities outside of Massachusetts and all the cities and towns of that state, have systems of medical inspection. Massachusetts has a compulsory medical inspection law. New Jersey has a permissive one, Vermont a law requiring the annual testing of the vision and hearing of all school children, and Connecticut one providing for such tests triennially."†

* Allen, W. H.: Civics and Health, p. 43. Ginn and Co., Boston, 1909.

† Gulick and Ayres: Medical Inspection of Schools, p. 1. On pp. 26 and 27 tables are given. The first regular system of medical inspection seems to have been in Boston in 1894, *ibid.*, p. 24. On p. 159 ff. are given the laws of the states on that subject (to 1909).

When there is a proper number of medical officers, the inspector visits the schools each morning and examines the children brought to his attention by the teacher or in other ways. Those who have communicable diseases are excluded and cultures are taken to determine the presence of diphtheria bacilli in suspected cases of sore throat. Children who have communicable disease are kept out of school until they can no longer expose others to contagion.*

Very rapidly our school authorities are passing beyond the stage of mere inspection for the elimination of contagious diseases to the examination of children with reference to non-contagious defects, impediments to physical and mental efficiency, growth and progress in study.

"In America comprehensive systems embracing thorough medical examinations of all pupils are still rare. The oldest such system in public schools is of comparatively recent origin. Partial examinations, however, have been made in many places and tests of eyesight and hearing are by no means rare."†

We have already spoken of the medical examination of school children, followed by care of district nurses and charitable relief. It is idle to discuss defects unless measures are taken to remedy them. The medical school inspection which begins with the sixth year comes too late to help in a multitude of cases. The District Nurses' Association and the crèches (day nurseries) come in contact with the infants from the beginning of life.‡

TREATMENT AND EDUCATION OF BORDERLINE CASES

To some extent a certain number of persons of very inferior bodies and mental powers have been improved so far as to be made self-supporting in free life, persons who without such physical and mental care would have been a burden to society. But it is also true that a considerable number of such persons have been permitted to become parents and have transmitted to offspring their tendencies to idiocy, insanity, alcoholism, vice and crime.§ Reliance on educational methods with the uneducable is a dangerous delusion; but in

* See extended information in Gulick and Ayres, Medical Inspection of Schools, p. 29 ff.

† See Gulick and Ayres, p. 82 ff, p. 104 ff.

‡ If we could make general the French *Mutualité Maternelle*, combining care of mothers and children with medical supervision and instruction, we should have the means of early diagnosis for a much larger number of children. Still better would be a system of social insurance, including maternity insurance.

§ See evidence in Rentoul, Race Culture or Race Suicide, already cited.

many doubtful cases we can never be sure that the child is incapable until we have exhausted modern knowledge in giving him a fair chance.

The work of Dr. Lightner Witmer, of the psychological laboratory of the University of Pennsylvania,* may be taken as an illustration of an important movement in the United States for the prevention of criminality due to curable defects.

"In Chicago it was recently found that on entering school at the age of seven, 32 per cent of the pupils had defective eyesight; the same is true in Minneapolis; and in New York City, Dr. Cronin states, 'over 30 per cent of the school children are suffering from gross forms of defective vision.' Most of the eye troubles could easily have been corrected by glasses, and if this had been done in the beginning, the children would have progressed through the grades at the normal rate."

The causal connection of such defects with vicious conduct is indicated by these observers.

"These pupils," says Dr. Neff, in his report to the Health Bureau on 1267 children examined in Philadelphia, "as evidenced by letters from the teachers, showed an absolute absence of progress in many cases, some of them having spent their entire school life in the first grade; and, of course, many of these so-called 'mentally deficient' children interfered with the progress of their fellow pupils." Only a teacher can realize what this means; how the teacher herself is rendered irritable and impatient, how the children of better physical endowment dislike to be obstructed by classmates who seem to them stupid, and how the unfortunate children are rendered rebellious, hostile and revengeful by the mortification they feel in reaction against the ridicule of their associates which they feel to be unjust. Out of such passions crime is born.

And the observer testifies that this result actually follows: "Often their tendency was toward incorrigibleness. After treatment, almost all children began to improve at once. Many were removed from special schools to regular schools, and tendency toward truancy passed away. We may state as a general proposition that the actual amount of defect does not measure or predict the amount of disadvantage, suffering, or retardation sustained by the child. Secondary effects in disposition and character are often more serious and far-reaching in their consequences than the primary effects of

* Article on The Conservation of the Defective Child, by Marion Hamilton Carter, in *McClure's*, June, 1909.

the original trouble." The same observer speaks of "the violent outbursts of temper to which the child gives way, particularly when he has failed to make himself understood"; this spoken of children who cannot articulate. Morally defective children, "dull, sullen and obstinate" who are found to be a menace to other children, "biting and slugging them on the smallest provocation," become normal when their physical defects are cured.

The need of a home-school for constant observation and training is emphasized. "What is needed is a home where each case can be studied until his possibilities for evil or good are thoroughly known; where his defects can be remedied; where—and this is the main point—his bad habits, the effects of his defects, can be systematically treated. For this last the doctor does nothing; he can do nothing; at best he gives the child only a new possibility. He operates on an adenoid; he does not operate on mental habits—does not make a dull, inattentive child into a bright one. The doctor's work ends with the bodily defect; the psychologist's begins with the effect of it.

"This class of borderline cases with criminal tendencies now constitutes a troublesome and puzzling factor in our institutions for the feeble-minded. They are often malicious, deceitful and inciters of mischief and insubordination. . . . They are generally committed to the institution against the wishes of their parents. The efforts of their friends to obtain their release are constant and perplexing. If a case of this description is taken before the Supreme Court on a writ of habeas corpus, it is more than likely that the patient will be released. Indeed, it is not difficult to find reputable medical men who would testify that the case 'is by no means a fool,' and that he ought not to be deprived of his liberty. It is evident that clinical types and shadings of mental deficiency have become familiar to the alienist which have not yet been so definitely formulated and classified as to be readily recognized by the profession generally. It is equally true that the legal definitions and precedents pertaining to ordinary cases of imbecility are inadequate when applied to these high-grade imbeciles. We have, therefore, to face the anomalous fact that it is easy to have a class of patients committed to our institutions who are promptly discharged by our higher courts because these lesser types of deficiency have neither been adequately formulated medically nor recognized legally."* Such persons are manifestly unfit for liberty or for parenthood.

* Fernald, W. E., M.D.: The Imbecile with Criminal Instincts, *American Journal on Insanity*, April, 1909, vol. lxv.

DEVELOPMENT OF PHYSICAL POWER

Physical power must be intelligently developed and trained; the muscular system through normal innervation must be disciplined to obey the will; and the entire body and mind must be adjusted to the world of reality through suitable habits.

Significant in this connection are certain institutions and methods which are in part borrowed from Europe, but greatly developed and applied to new situations in America; the kindergarten, educational plays, sloyd, manual training, athletic sports. The establishment of a few agricultural schools and military academies has some degree of significance in relation to the prevention of vicious and criminal habits.*

The fortification of the body and will against later strain, fatigue and temptation, to be most effective must begin in the early months of life. The care of the infant's health and vigor has become the field for a special branch of medical science and is now considered in treatises on education.

The technique of the subject must be sought in scientific and popular works of specialists;† we are here concerned only with the methods of socializing this knowledge. What has been said elsewhere in connection with the subject of district nurses, dispensaries and charity visitors will be applicable for this purpose.

Three aspects of physical training deserve special attention: free play, systematic gymnastic exercises and definite manual training. Each factor has its value and its place; all are desirable. The free play of children is the starting point of non-specialized activities which are later differentiated into artistic expression, which ends in making and enjoying beautiful works, and into the methods of the trades which end in economic services and objects of ordinary utility. The gymnastic exercises have a medium place and their special value lies in the development of parts of the body which fail to receive due nutrition through disuse.

In the best schools all these ideas are embodied in more or less regular exercises. The periods of rest and recess are given over to free play without too much restraint and control. But there are

* Dr. H. H. Hart in Preventive Treatment of Neglected Children, another volume of this series, describes the methods employed in industrial and reform schools. See also reports of the U. S. Commissioner of Education, a valuable source of information.

† Griffith, J. P. Crozer, M.D.: The Care of the Baby, 4th ed., W. B. Saunders Co., Philadelphia, 1907. Holt, L. Emmet, M.D., LL.D., The Care and Feeding of Children, D. Appleton and Co., New York, 1909. Wheeler, Marianna: The Baby, His Care and Training, Harper Bros., New York, 1904.

many instances where the teachers, as interested spectators or actual participants, help to vary and improve the games and thus make them more attractive as well as educative. In the best public and private schools the teachers or special instructors are trained to supervise and direct the gymnastic exercises, under the guidance of the school physicians. This wise policy has not yet been as widely extended as one could wish.

Incidental to manual training there is much better opportunity to quicken the sense organs and to develop the central nervous and muscular systems than in the schools of the older type, where the children sit passively before the books.

Play

The provisions for teaching plays and giving ample means and space for free play and sports in public parks and buildings reveal a new tendency in American life. There is a rapidly growing understanding of the educational function of play in the development of character and in preparation for specialized productive work in later years. Boys and girls will violate ordinances and come into conflict with the police when they have no place but the street and unclean alleys for their enjoyments. Windows are broken, passers-by are annoyed and hurt, not from malice, but because the legitimate and wholesome desire to play has no proper outlet for expression. Hatred of the police, a dangerous disposition, is actually drilled into neglected children and youth, to whom the regulations enforced by officers of law seem to have no meaning, to be the arbitrary rules of some unintelligent despot.*

The citizens of the new Republic wish to learn wisdom of the Old World. They are ready even to study the pedagogical devices of ancient times, as witness this illustration: Geo. E. Johnson, Superintendent Pittsburgh Playground Association, in *The Survey*, May 1, 1909, writes of playgrounds under the heading, Catching Up with Athens. He says: "Once upon a time the citizens of a certain city were greatly interested in the nurture and training of children. When the question arose as to whether they should build a great public school or open a playground it was decided to open a playground. Now, in the course of years it came to pass that the Citizens of that great City advanced so far beyond the rest of the

* See the admirable Report of the Committee on a Normal Course in Play, in Proceedings of the Third Annual Congress of the Playground Association of America, 1909. Published by the Playground Association of America, 1 Madison Avenue, New York

human race that in all the centuries since, even to this day, the nations that have gone on building schools and neglecting to open playgrounds have not been able to catch up with them.

"This is fact, not fancy. At seven years of age the Athenian lad entered the palæstra, which was essentially a playground. All the first and better half of the day was spent in gymnastics, dancing, games and play. In the afternoon, there were singing, some writing (the beginners wrote in the sand box or sand strewn upon the ground), some reading, all in the open air, and then came a long period of play again. Except in the severity of the exercise, the education of a boy up to sixteen did not differ essentially from the foregoing. The Greeks cared for the strong and sometimes left the weak to perish. We care tenderly for the weak and often leave the strong to perish. . . . In several cities we have open-air schools for children with a tendency to tuberculosis. . . . Thousands and thousands of children in the regular schools of Pittsburgh have no place to play, no recess, no really fresh air to breathe, little sunshine and less genuine, life-giving exercise. We have reversed the order of importance in education as it was observed by the Greeks."

Of the $10,000,000 playgrounds of Chicago, President Roosevelt said: "They are the greatest civic achievement the world has ever seen."

Testimonies relating to the diminution of juvenile delinquency near playgrounds could easily be multiplied. Thus one of the leaders of the movement says:* "However difficult it may be to interpret America to the recent arrivals from other countries; however difficult it may be to unite our adult population on public issues of the day affecting our common weal, they may be unified most easily on those things which affect the interests of children. And the children's playgrounds not only help in unifying our adult population, but they interpret fundamental American ideals to all concerned. The central idea in America is that we are self-governed people. We are governed by laws made by our own people, and we appoint officials to enforce the laws. But the best and most patriotic citizenship comes not as a result of compelling obedience to and respect for laws, but as a result of the practice of right ethical relations with each other, no matter what races, nationalities or classes are involved. This is the spirit of the playgrounds as expressed in the plan of play and games which teach self-control and self-government."

* Extract from Report of E. B. DeGroot, Director of Gymnasiums and Playgrounds, Chicago, Illinois; in *The Playground*, Feb., 1909.

Carefully compiled statistics show a comparative lessening of 28 per cent in juvenile convictions within the half-mile radius of Chicago's South Park playgrounds. Any policeman with experience before and after a playground was started will testify to a similar effect. And these Chicago playgrounds, the most expensive in the world, cost $1.76 for establishment and twenty-three cents a year for maintenance to the man taxed on $10,000.

The child denied a playground resorts to lawlessness. But his law-breaking is far more lawful than our neglect. "The law that we have violated is the more ancient and more authentic of the two (Joseph Lee)."

PLAY PROGRAM FOR THE CITY OF NEW YORK,* 1908–1909

"At the first meeting of the Council of One Hundred of the Parks and Playgrounds Association of the City of New York, held at the residence of Mrs. Charles B. Alexander, one of the members, the following Play Program was presented and approved:

"Life is 'response to environment.' If the environment is only a sidewalk, or a fence, a lamp post, an ash barrel, a green grocer's apple stand, a passing motor, or a well-dressed child, a poor man with his push cart, a penny moving picture show, a dance hall, or a saloon, the response in too many cases may be predicted. If the sidewalk is the only attraction, the response is pitching pennies or buttons; if the fence draws attention, it is climbed or pulled down; the glass in the lamp post becomes a target; the ash barrel invites a kick; the apple stand a possible theft; the passing motor, in certain neighborhoods and with certain chauffeurs, means kill or be killed. What is the life, character, personality of the child if his expressions of life or responses are limited to such environments?

"A million children on the streets all summer with only such motives to action become a menace to themselves and to the community. Even through the remainder of the year, but little more than half the number are in school, where they may spend about one-fifth of their time during each of less than two hundred days. The city employs over 15,000 teachers for the culture of half the children during this small fraction of time, and in each class, unless all pupils are writing, only one pupil at a time in a class of forty or sixty has the opportunity of expressing himself. The street finds all the children expressing themselves all the time, and the only organization, with

* From *The Playground*, Feb., 1909.

the exception of some clubs, is the gang with its leader and the restraining influence of nearly ten thousand policemen.

"The Parks and Playgrounds Association would organize for children, when out of school, the possibilities of free play. This organization is all the more necessary because the over-crowded tenement sections make impossible conditions for the proper development of child life in the streets. The play of children should be absolutely free, and yet it should be trained toward efficiency for work and self-helpfulness. The young man and the young woman in the office and the factory or otherwise engulfed in the maelstrom of industry also should find possible relaxation other than the saloon or the dance hall. Free play and the serious conditions of labor should be trained toward each other as natural and wholesome reactions.

"The Association employed last summer as play leaders twenty-five young men and women recently graduated from college and kindergarten training classes, and the results were such that it is thought wise that each district or neighborhood should be provided with play leaders, young men and young women, as peace officers to lead and protect children and youth at play in properly equipped surroundings. Education is largely association with people and places. The worse the place, the greater the necessity for the best leadership.

"The Parks and Playgrounds Association of New York City purposes, through its executive officers, to work, so far as possible, for the benefit of children and youth when not in school in lines of effort as follows:

"I. To select a corps of young college, kindergarten and other graduates, and direct their work as district play leaders or peace officers, in various sections of the city, in co-operation with local improvement agencies.

"II. To encourage clubs, societies, associations, churches, institutions, hotels, department stores, factories, neighborhood committees and individuals to provide and equip the necessary places for recreation.

"III. To awaken interest in the multiplication of small parks, gardens, roof gardens, evening social centers, public bathing pavilions and playgrounds, and in the use and improvement of vacant lots and of open fields; to encourage the establishment of camps, by the sea, the sound, the riverside, in the parks, or in the country for the benefit of mothers and babies, kindergarten children, institutional children and the boys and girls who spend the summer on the streets.

"IV. To make free play unconsciously purposeful, the player beguiled toward work, and the worker beguiled toward play, that play and work may be natural reactions and both make for greater efficiency and happiness in life; the stores, the shops, the libraries, the public buildings should become social centers with leaders in the various forms of expression, and with a system of excursions to bring such great educational centers as the museums, galleries, libraries and parks, so far as possible, within the reach of all.

"V. To provide, equip and maintain, so far as possible, the various forms of play service throughout the year.

"VI. To organize neighborhood improvement leagues and committees of parents and children for each playground."

Marie Ruef Hofer, writing on The Folk Game and Festival, dwells upon the social nature of the folk game and the loss to American life of its disappearance.* In a settlement, she says, she caught her first glimpse of the "meaning of nationality as applied to Americanism," and noted "the undercurrents, the eddies, the shoals, the breakers in the making of an American citizen," saw the power of public opinion under whose influence the scions of noble names would deliberately change them to Sam Jones, etc., saw the shame of the second and third generation in regard to parents and grandparents. In the settlement "many times an hour of folk tale and song and game and festival occasion has broken down the tense homesickness and shyness or brought a tear to the cheek and a glow of warmth to the sympathy-starved lives." She notes the unfairness of endeavoring to supplant all the old values with new, and suggests that "the poorest child of foreign people of centuries of growth should have some inherited value, which would contribute to our cosmopolitan culture."

The play materials of our foreign population have not lost their value, as shown by the avidity with which they are seized by the children and reincorporated in their play. "Recording the color, quality, feeling, temperament, traditions of the people, these plays are of the highest social value. The harvest traditions have furnished us with games, the industrial games are survivals of the guilds of the middle ages, "the guild dances are among the very best for their vital qualities and vigorous action." A recent critic said of the American people that we leave no place for the emotional element in life. "Our social pleasures are individualistic and selfish. Our popular dance is a two-step, in which a couple may spend an evening together.

* *Charities and the Commons*, Aug. 3, 1907.

Said the head of a detention school for delinquent children recently, after witnessing some folk games and dances of the social type, in which all had individual share, but which required the co-operation of all, 'If we could have these introduced into our dance halls and into the public recreation of these children, vice would become minimized.' "

Vacation Schools and Summer Camps

The merit of the vacation schools lies very much in the opportunity given for bodily development. It was discovered by careful observers that children are exposed, especially in cities, to peculiar dangers during the summer when public schools are closed. They seek enjoyment in the streets and are injured by vehicles; idleness opens the way to acts of mischief; exposure to heat and dirt injures the health; if confined at home, there are domestic conflicts and occasions of irritation; when the schools open in the autumn the children have forgotten much they had learned and have acquired habits of rudeness and disorder which hinder the school work and disturb its discipline. The methods of the vacation school are based on these principles: attendance is voluntary; book work is reduced to a minimum; plays are both free and directed, but all are arranged with reference to physical development, quickening of desirable interests and cultivation of a social spirit of co-operation.

At first these schools were established as an experiment by private associations and supported by individual gifts; but they have so clearly demonstrated their high value that the boards of education have accepted them in some cities as a part of their regular work. In a considerable number of cities the churches have opened their parish rooms to receive children during vacations and have provided shelter and recreation. The influence of the vacation school is distinctly favorable to the correction of anti-social impulses and conduct.

The vacation schools of New York* for 1907 numbered thirty-one and for 1908 thirty-six were proposed. The average attendance for 1907 was 17,000, with 601 principals and instructors. The budget for 1908 for salaries was $17,475 for 824 teachers.

The camps and farm outings, with occasional walks of teachers with pupils in parks or country, are admirable illustrations of the rational tendency to consider physical development as an essential, even fundamental, part of education. But in the joyous and in-

* Stewart, Seth T., *Charities and the Commons*, Aug. 3, 1907.

vigorating exercise in the open air with the genial and wise companionship of a skilful teacher the soul is opened to the beauty and glory of nature, the hands become skilful in simple, primitive arts, and the contagious influence of a mature character enters silently into the depths of the moral disposition of the child or youth.

Of the value of summer camps, Dr. Winthrop Talbot writes as follows:* "The scope and extent of the work that is now being done for boys and girls in summer camps are not generally appreciated. . . . In 1890 the number of boys and girls in summer camps was about two thousand. Four years later there were about two hundred camps in existence, and five thousand boys were in the field. . . . Five years ago about ten thousand boys received the benefit of outdoor training during the summer months. During the past season, 1907, there were between four and five hundred camps, and about twenty-five thousand boys. . . . The value of outdoor summer training was recognized officially for the first time by the Y. M. C. A. in the year 1893. . . . In 1907 there were thirty girls' camps in existence, providing for fourteen hundred girls. . . . For the past eight years it has been the custom of the directors of summer camps to meet biennially for a Camp Conference, in order that they may become familiar with improved methods of helping, training and caring for children, with a view to producing the best possible results. . . .

"The summer camps are not merely places to which boys and girls may be sent in order to keep them off the streets. Nor are they refuges from the evils of summer hotels and boarding houses. They are veritable training grounds in technical muscular control, where the children learn the best methods in field sports and track athletics, where they become familiar with nature and woodcraft, and where they see and take part in the ordinary farm processes. Many camps employ the services of a physician or experienced physical trainer, and in this way strengthen the boys in all vital processes, such as respiration and digestion. As a rule, careful study is given to food and sunlight, and much stress is laid upon study and long hours of sleep. The main and most important training, however, which the camp gives is consideration of others,—unselfishness and a kindly spirit. . . .

"This movement is now so well established and of such recognized value that educators are beginning to feel the need of correlating it with the established methods of the public schools. Certain

* Talbot, Winthrop, M.D.: *Psychological Clinic*, vol. ii, p. 48, April, 1908.

municipal camps have been established and have proved a success. It is probable that the future of the movement will include not only many municipal camps, but also the much larger development of the camp idea as expressed in the outing or farm school. Probably it is one of the most potent means of combatting the tendencies in the young which make crime easy and vice prevalent. The camp teaches impressively that moral degeneration may be the result of oxygen starvation and lack of training of the hands to do useful things. In the camp, in the outing or farm school, we find the solution of many of our most difficult problems."

Anna Garlin Spencer, in a letter February 15, 1909, says that her attention has been especially drawn to out-of-door instruction for children, both as a means of developing normal life and of prevention or modification of abnormal conditions. A Fresh Air School in Providence, the outdoor instruction at the Hyannis School; the school excursions, the development of the school camp for the summer vacation; "all of these and many other signs indicate the growing perception of the physical and moral danger attendant on our indoor schools for children."

EDUCATION IN THE PRINCIPLES OF PHYSIOLOGY, HYGIENE AND SANITATION

The school authorities of the United States have not been entirely indifferent to the problems of preventing disease and fortifying health by instruction in physiology, hygiene and sanitation. Such instruction, however faulty in method, has long been given in many schools, in some of them according to the best known methods; in others the methods of teaching these subjects are very defective. The laws of many states now make physiology and hygiene a required part of the program of studies, and some of the normal schools endeavor to prepare teachers for this function.

The value and influence of instruction in physiology have been recognized by parents and teachers, as in the following example:*

"In response to the questions: Do the children in your public school report at home facts of general hygiene learned at school? and, Is the teaching influencing the hygienic habits of children? parents testify that as a result of this study the children do practice and bring home the truths thus learned. They insist upon proper

* On page 588 of Volume I, Report Commissioner of Education, 1904, is the report of the New York State Central Committee on Scientific Temperance Instruction in Public Schools.

ventilation of sleeping and living rooms, and tell how to get it. They comment on the danger of drains or pools of stagnant water in cellars, door-yards, or near wells, and urge the necessity of using pure water. The importance of eating slowly and at regular intervals, the proper selection and cooking of food, its adaptation to season, suitable dress, the harmfulness of corsets, the danger of drafts, are facts learned at school and put to practical use by the children. They ask for tooth-brushes and individual towels, and object to public drinking cups. They become little rebels against dirt and disorder in the home, and help to secure better conditions; are more careful of the eyesight, assume better positions in standing, walking and studying. Teachers comment on the improvement in personal appearance resulting from this study. Mothers say: 'Take any other study out of the school, but leave this.' Their testimony in this respect is almost uniform. One mother says: 'I have been surprised and delighted for years with the information the children in my large family have gained in hygiene as well as in temperance in the public school. The work is thorough and real, and is influencing the homes.' . . . Another is quoted:

"'I have six children taught in the public schools who have all profited by their instruction in physiology and hygiene. Even if the temperance part were left out, the rest would be absolutely essential. With the temperance instruction it becomes the most important study pursued in the common schools.' Another testimony reads: 'This teaching is helping some children to observe certain laws of health which their parents do not know about and cannot teach them.' One mother who had been reading her children's physiologies said: 'You have no idea what a help this study is to me.' A mother from Chautauqua County wrote: 'I am the mother of six children and am truly in favor of this study as taught in our schools, and know that every parent is, as it does much good. I would not have it taken out for anything.' . . ."

The committee asked concerning the results of temperance teaching and quotes some of the replies as follows: "Mrs. B. says that her boy, when he sees a man smoking, says, 'I don't believe he studied physiology.' Several have given up smoking, some because of their own study about the effects of tobacco, some because the girls in the class refused to have anything to do with them if they smoked." (Suffolk County.)

"Not so many boys are trying to learn to smoke and drink as formerly." (Essex County.)

"A boy whose father smokes said he had intended to smoke

when he was a little older, but if tobacco was so injurious he guessed he would let it alone." (Suffolk County.)

"I overheard several boys talking the other day, and one boy said, 'I want to be a big man who knows something, and if we smoke we won't grow so well, and smoking makes the brain dull. Our teacher said so." (Orleans County.)

"Some of the boys who had already formed the cigarette habit have given it up as a result of the teaching." (Chenango County.)

"The children try to help each other to give up habits of drinking and smoking." (St. Lawrence County.)

"So far as known, only two boys in our school use tobacco. Registration during the year, 812." (Nassau County.)

"The children are known to refuse fruit, cake and candies in which alcohol is used." (Onondago County.)

"The boys do not now consider it smart to smoke. There is not to my knowledge a single boy under sixteen in the village who smokes." (Columbia County.)

Many like testimonials are added to the above.

The influence on parents is equally interesting:

"A German boy of 7 declined to drink his mug of beer at lunch, and his father inquired the reason. 'Because my teacher says it is bad for me, and she has a book that tells about it.' 'You get dat book for me; I want to read it.' The book was produced and read by both parents, and the beer was banished from that household." (New York County.)

"V. D. said that since he learned about the effects of alcoholic drinks his father had stopped drinking and had not drunk for four years." (Suffolk County.)

"I know of four families who have been saved from drunkenness through the influence of the teachings received in school." (Kings County.)

With regard to the influence on the community, the following are sample testimonies:

"Our children do not seem to think it manly to drink and use tobacco, as formerly, although, of course, there are exceptions. This has become a strong temperance town. We have had no saloon for about five years." (Rensselaer County.)

"There is a silent influence, the forming of public opinion, that will tell on the side of temperance when our children are men and women; also a gradual influencing of parents and the community." (Montgomery County.)

"It is doing much in the way of better living, especially in regard to pure air, good food and cleanliness, and to the use of cigarettes by young boys."

"There is a better temperance sentiment among the boys of our village than ten years ago. Many influences have helped to secure it, but this counts one."

SCHOOLS OF MANUAL TRAINING, TRADES, ETC.*

Institutions of learning in which hand work is taught may be classified roughly as follows:

1. Schools of Technology, or Engineering Schools.
2. Technical Schools.
3. Trade Schools.
4. Manual Training Schools.

The oldest school in class one is the Rensselaer Polytechnic Institute, at Troy, New York, founded in 1826. This class includes such schools as the Stevens Institute, Hoboken, N. J., which, like the Rensselaer, was established by a private individual; the Massachusetts Institute of Technology and Sibley College of Cornell University, supported partly by private benefactions and partly by public funds; and the state colleges of Agriculture and Mechanic Arts endowed by Acts of Congress in 1862, 1890 and 1907. These state institutions may be each a part of the State University, as in Illinois and Wisconsin, or separate institutions, as Purdue University in Indiana. In addition to the land grants and appropriations of money made by the United States for these state colleges, funds are granted for their extension and support by their respective state legislatures. Since 1890, the Congress of the United States has granted to these colleges the total sum of $22,052,000. This includes the sum for the year ending June 30, 1909, which was $1,750,000.

Technical Schools include those that teach the theory, as well as the practice, of some particular trade or trades. For instance, a technical weaving school teaches the history of weaving, the construction of looms, the use of dyes, mordants, etc. Such schools are calculated to produce foremen, managers, superintendents, in their respective lines, rather than journeymen.

Trade Schools, as distinguished from technical schools, con-

* This description has been kindly furnished by my friend, Professor H. H. Belfield, Ph.D., Founder of the Chicago Manual Training School and its Director from 1882 to 1902; later Dean of the High School of the University of Chicago; a distinguished pioneer in the movement.

fine themselves largely to teaching the art, rather than the science, of the trade or trades. Thus, a trade weaving school aims to develop skill in the working of the loom, with but little else.

Manual Training Schools belong to general education, and have for their object the development of the faculties and character of their pupils. While such schools do not endeavor to make mechanics, the skill and intelligence acquired frequently enable a youth to enter successfully upon the practice of a trade with but little additional experience. But trade instruction is not the object of a manual training school; and ignorance of this fact is responsible for hostility to this class of schools in some quarters.

The manual training pupil of secondary grade carries a regular high school course in mathematics, science and literature, in addition to daily work in drawing and shop practice. Manual training (so called) was introduced into the United States into schools of high school grade; but is now taught in many public and private schools in all elementary grades. It is, in fact, the extension to higher grades of the kindergarten idea. The first manual training school in the country was the St. Louis Manual Training School of Washington University, established in 1882. This was followed by the Chicago Manual Training School,—the first independent manual training school (that is, not connected with any other institution or system)—established in 1883 by The Commercial Club of Chicago. The first of the now numerous public manual training schools was that of Baltimore, opened in March, 1884.

Some schools do not conform strictly to this classification; that is, they combine some features of several classes. A few manual training schools are experimenting with the scheme of devoting their last (usually the fourth) year to instruction in some particular trade, the preceding years being supposed to have revealed the adaptation of different pupils to different trades. Some manual training schools are giving such thorough instruction in cooking, dressmaking, and other departments of domestic economy that they are almost trade schools. Many of the schools for the colored people in the South are sufficiently broad in their scope to be included in several of the classes named. Noted among such schools are the Hampton and Tuskegee Institutes, which, with others, include normal instruction in their admirable work.

Several considerations led the University of Cincinnati, a few years ago, to a new departure in the training of its mechanical engineers; namely, the combination of class room instruction in the

University with actual shop practice under commercial conditions in manufacturing establishments. That is, arrangements were made by the University and a number of manufacturers by which a class of engineering students was divided into two sections, which alternated in class room and shop. The success of this plan has been marked. It has so commended itself to both educators and manufacturers that the Lewis Institute of Chicago, in January, 1909, inaugurated a similar class of younger boys of lower academic development, with the idea of trade teaching, rather than instruction in engineering. This experiment is too recent to be judged, but the outlook promises well.

The United States takes front rank in technological and manual training schools. In technical and trade schools a beginning only has been made when comparison is made with Europe. There are indications that this weakness in the educational and industrial facilities of the country will soon be remedied. One of these signs is the organization, in New York City, in November, 1906, of "The National Society for the Promotion of Industrial Education," consisting of prominent educators and equally prominent manufacturers. Another indication is the broadening of public school curricula, not only in the remarkable growth of manual training schools in the last quarter of a century, but the more recent strengthening of the work of evening schools, in imitation, perhaps, of the "continuation schools" of some European countries. Another fact is the establishment of public commercial schools. The nation seems to be beginning to realize the truth of the remark of Sir William Hamilton, that what is desired in the life of the people must be put into its public schools.

The socializing influence of manual training is found in its tendency to correct the vicious effects of prolonged sedentary study in the ordinary school; in the cultivation of habits of downright accurate and honest work, which can be subjected immediately to exact tests; in the awakening of a desire to offer perfect workmanship as a social service; in growing respect for useful labor when associated with scientific and artistic culture; in the more intense interest in study called forth by dealing with real problems of life; and in the prolongation of school years under competent teachers. All the best industrial reformatory schools for boys and girls, and even for youth, make use of manual training as a measure for reformation; and serious observers are asking themselves why the same methods should not be still more useful in preventing the need for reform schools.

Felix Adler, Ph.D., in the Report of the Fifteenth (1888) National Conference of Charities and Correction, writing on the influ-

ence of manual training on character, lays stress upon its power to strengthen the will. He analyzes the characteristics of a criminal type of delinquent children as follows: Mental incoherency, indolence, a deficiency in the sense of shame. The first is the key to the situation. The child's actions alternate between the kind and the cruel, because of this incoherency. His indolence is due to the lack of the ability necessary in passing from one thing to a related thing. The lack of shame is due to the undeveloped state of the idea of self consequent on this incoherency.

The usual school studies are not sufficient to develop such a mind—first, because they do not interest and second, because the element of action is wanting. Manual training, by the interest it arouses, develops the power of attention and tenacity of purpose. It works with the concrete and is thus suited to those lacking in power of abstraction.

The Philanthropist, Jan., 1909, quotes from Mr. Roman Steiner, M.A., Instructor in the Friends' School in Baltimore, concerning Manual and Art Training as a Means of Moral Development. He said:

"We aim in the teaching of manual and art training to develop the entire organization; to awaken the perceptive and conceptive faculties; to develop the judgment, the imagination and the power of observation; to give the hand skill and dexterity; to train the eye to recognize balance, proportion, grace and beauty, and to develop a disposition to energetic action. It is our aim to awaken in the pupil an æsthetic conscience. Art is not a luxury, but an essential element of life, whose purpose is to bring interest, beauty and joy to every phase of daily life."

The fourth recommendation of the Committee on Social Betterment, Geo. M. Kober, chairman, reads as follows:

"While it is gratifying to record a very deep interest in the public schools of Washington in all matters related to social and industrial life, the Committee is of the opinion that even greater emphasis should be given in the curriculum to manual training and domestic science because the practical knowledge thus acquired not only inspires respect for manual labor and domestic service, but constitutes in fact the foundation stone for intelligent work and home making. The importance of a thorough practical training in domestic science is nowhere more evident than in a study of our family groups whose income is less than $700 a year. While conditions on the whole indicate a fierce struggle for existence, some splendid examples

of neat and healthful homes, of thrift and happiness, could be cited for the emulation of less competent neighbors."

In the United States in the school year 1907–8, there were in cities of 8,000 population and over, 220 evening schools, having 8,549 teachers and in elementary classes 227,976 pupils, in secondary classes 48,556, in vocational classes 47,358. The total in all such evening schools was 357,923, with an average attendance of 144,579. It is worth noting that in these classes the number of men and boys was greater than the number of girls and women except in the vocational classes, as is shown by the following figures: In elementary classes, males 154,479, females 61,410; in secondary classes, males 31,344, females 16,628; in vocational classes, males 20,783, females 26,400.*

"There are 1,348 cities in the United States having 4,000 population and over, all of them having organized systems of public schools. In 671 of these school systems manual training was taught in 1908. This was an increase of 27 over the preceding school year. . . .

"In 1890 only 37 city school systems included manual training in the course of instruction: In 1894 the number had increased to 95, in 1896 to 121, in 1898 to 146, in 1900 to 169, in 1901 to 232, in 1902 to 270, in 1903 to 322, in 1904 to 411, in 1905 to 420, in 1906 to 510, in 1907 to 644. . . .

"This bureau received reports from 170 independent manual and industrial training schools, not including Indian schools. The 170 schools had 1,772 teachers in manual arts—1,156 men and 616 women and a total enrollment of 58,503 students of high school grade receiving instruction in manual arts—37,388 males and 21,115 females. . . . In the same schools 17,061 elementary pupils were receiving instruction in manual arts, 9,248 males and 7,813 females."

In 1894 the bureau received reports from 15 independent manual training schools; in 1908, from 170.

According to the report of the United States Commissioner of Education, 1908, in the public schools of 671 cities in the United States during the school year 1907–8 manual training other than drawing was given. The cities are widely distributed throughout the country. According to the same report page 903 there were during the school year 1907–8 in manual and industrial training schools throughout the United States, not including Indian Schools:

* U. S. Education Report, 1908, Table 26.

Schools reporting	Literary Instruction						Manual Arts Instruction					
	Instructors		*Pupils, Elementary*		*Students, Secondary*		*Instructors*		*Elementary Pupils*		*Secondary Students*	
	male	*female*	*male*	*female*	*male*	*female*	*male*	*female*	*male*	*female*	*male*	*female*
170	721	606	7,220	6,078	25,611	15,896	1,156	616	9,248	1,813	33,388	21,115

It is worth while to note the large preponderance of boys over girls in the enumeration of students even in the secondary departments, in which the proportions are reversed from those that prevail in the public schools generally.

The significance of the Continuation School in relation to prevention of crime lies partly in the fact that it keeps adolescents off the street, gives them mental occupation and prepares them to earn a living.

During youth the educational agencies of society must facilitate the gradual and inevitable transition from play to productive skilled labor. The gap between them should be bridged by teaching special trades; for sloyd and general manual training are not sufficient, hence technical education must be a function of the public school system, because the apprenticeship method is ordinarily applicable only with the aid of technical schools.

Already a fair beginning has been made, although only foundations have been laid and experiments tried.

Bulletin number 9 of the Massachusetts Commission on Industrial Education makes mention of certain representative American Industrial and Manual Training Schools. The California School of Mechanical Arts, San Francisco, takes boys from the grammar school and teaches them trades. Nearly all the graduates enter industrial pursuits. Lewis Institute, Chicago, Illinois, is for those who are in need of aid in securing instruction in arts and sciences. It is primarily a school of mechanic arts and engineering for men, and domestic economy for women. There is an especially large attendance on evening classes. The Winona Technical Institute, Indianapolis, Indiana, reports: "To a large degree the Institute's methods of instruction take the place of the apprenticeship system which industrial concerns have followed," greatly shortening the time of preparation for work. The Boston Trade School for Girls is devoted chiefly to "training in the trades which center about the needle and

the foot and electric power machines," as there is great demand for this sort of skill.

In Massachusetts, and in other states, the authorities of commonwealth and municipality, with expert educational leadership, are seeking to establish the best methods of training for productive work. It is now clearly seen and deeply realized that the school must be brought into closer relations with the shop and the actual life of adults; that both boys and girls ought to be taught their tasks and lifted by skill and good industrial habits above the perils of misery and the temptations to crime. These convictions are taking form in legislation, in experimental schools, in co-operation between teachers, trade unions and employers, and vast sums of money are already invested to make the ideas effective.*

Instruction and practical training in kindness to animals as well as to human beings, is an important measure of defence against anti-social dispositions. Wm. O. Stillman, President American Humane Society, Albany, New York, in a letter dated February 27, 1909, says that the Humane Society began "by forcibly restraining brutality to brutes and it has ended by seeking to eliminate the brute in the human heart by educating the child to something better. What it accomplishes through terror of the law is, indeed, relatively small, but what it can do through education of the heart, by having humanity, kindness, compassion, self-control and justice systematically taught in every school and academy in the land, will revolutionize the world. . . . Already twelve states have compulsory humane education laws. . . . Last year 285 anti-cruelty societies in this country had cases involving 762,904 animals and 166,264 children with over 32,000 legal prosecutions."

EDUCATION WITH REFERENCE TO SEX †

Vice and crime have no well-defined boundaries between them. Prostitutes by profession have the public opinion, the class standards and ideals, usually the associations and surroundings, of criminals. There are numerous exceptions; we speak here of the tendency. One woman of evil life is an aggressive agent of moral ruin and may

*The related movement to make the rural schools centers of training for agricultural industries is described in Foght, H. W.: The American Rural School, Chap. xi. The Macmillan Co., 1910

† See Henderson, C. R.: Education with Reference to Sex, University of Chicago Press, 1909, prepared as the Yearbook of the National Society for the Scientific Study of Education, and works there cited. Also publications of the Society of Moral Prophylaxis, Chicago Society of Social Hygiene, American Academy of Medicine, etc.

do more harm than many lawless men. Their very existence depends on artificially stimulating and basely gratifying the sexual appetite of men and boys. They meet a normal desire in abnormal ways. They communicate disease which often weakens and sometimes destroys life. They attract men away from family life and introduce into marriage the germs of disease which turn home into purgatory, destroy infant life, and produce revolt, disorder and divorce. Moral sensitiveness and dignity of character of men are injured by association with women whose range of ideas, images and conversation is narrow and vile.

Much of this evil arises from ignorance. Both boys and girls drift into vice because they do not know its dangers to health and future happiness. There is no instruction by parents, teachers or church to counteract the false representations of coarse persons, the solicitations of the underworld and the perverse advice spread broadcast in circulars by quack doctors who live by preying on the fears and sensual vices of the unwary and inexperienced. Within recent years the "conspiracy of silence" has been broken first by medical men who knew the facts and then by teachers and charity workers whose labors compelled them to confront the perils. The most significant of these movements is that represented by the New York Society of Moral Prophylaxis; the Chicago Society of Social Hygiene and others of a similar character and aim.* All these societies formed a federation, with national organization, in 1910.

The general purpose of all these associations is to bring before parents, teachers, pastors, editors and all other persons responsible for guiding youth, the facts which ought to be known by all, facts already familiar to the medical profession. These societies work by means of brief circulars and leaflets adapted to the needs of adults, of young men and of young women. The National Society for the Scientific Study of Education made this topic the subject of their discussions in 1909.

The origin and aim of the Chicago Society of Social Hygiene,† are explained as follows:

"The average boy, even the son of careful parents, receives no information about sexual matters at home; but he gets it abroad. Some playmate initiates him into vicious practices; a little later,

* The societies engaged rather in legal and other forms of combat with the agencies of vice are considered under another head; the *educational* aspect being here made prominent.

† From The General Need for Education in Matters of Sex, a tract published by the Society.

prostitutes, public or private, welcome him for advanced instruction. Police and Y. M. C. A. officials recently made an investigation of the west side levee district—an investigation which was instigated, by the way, by the death from venereal disease of a sixteen-year-old boy who had contracted the disease in this way. They state that hundreds of men and boys, many of the latter the sons of decent parents and themselves first 'seeing the sights,' used to congregate in this district every night; that unfortunate women—too old and diseased to remain longer in the expensive resorts—expose their persons at the windows and even raid the crowds of inquisitive men and boys on the sidewalks for victims.

"Leaving religion out of the question, what are the physical results of such follies? A large majority of young men acquire venereal disease. Most of them apparently recover, though the disasters that later befall themselves, their wives and their children, show that in many of them the cure is only apparent. A few die of these diseases shortly after they are acquired; more are permanently damaged, and finally develop diseases of the brain, the nervous system, the urinary organs, and less serious though distressing ailments.

"What is the remedy? The enlightenment of boys and young men on the dangers to health, business success and future wives and children from illicit sexual practices may help. On many, perhaps a majority, of young men such education will exercise but little restraint—they must learn through experience; the more intelligent —and they are worth most to the community—will receive thereby material aid in controlling this powerful instinct.

"The conviction among physicians, born of their professional observation, that such information should be presented to parents and young men—decently and concisely—is the origin and aim of the Chicago Society of Social Hygiene. It was organized for this purpose under the auspices of the Chicago Medical Society, a body of 1,900 physicians; it is inaugurating in this city the work that has been for five years conducted in Berlin by a society of 5,000 members, non-medical and medical, men and women. Similar societies exist in Paris, New York, Philadelphia, Boston, Detroit.

"Such information is presented under three topics:

"1. *The Young Man's Problem.*—An advisory sketch showing that a code of morals is the expression of human wisdom derived from human experience and suffering; that the prevalent doctrine which proclaims sexual indulgence necessary to physical health is a fallacy; that illicit indulgence is full of perils to character and to

business success, as well as to physical health; and cognate information.

"2. *The Venereal Diseases.*—A brief sketch of their immediate and remote evils to the individual and to his prospective wife and children.

"3. *The Parent's Problem.*—Comprising suggestions to parents upon the precocity of children (usually unsuspected at home) in sexual knowledge and even in sexual practices; upon the wisdom of having the boy acquire from his father, family physician or other trusted adviser, a clean, confidential account of matters of sex, rather than allowing him to regard such knowledge as forbidden fruit, to be stolen and enjoyed with his playmates in secret conclaves. For this knowledge will come to the boy, even in tender years, one way or the other. It is as important to have his confidence about these matters as about his study, play and personal hygiene."

SOCIAL EDUCATION

Multitudes of immigrants flow into the United States every year. While the vast majority of these are healthy, strong, industrious, honest, they are under great disadvantages in a novel social environment. They have a very imperfect acquaintance with the English language, and therefore are suspicious and suspected; they are sometimes timid and fearful of giving offense, sometimes bold in effrontery, with a desire to show their appreciation of their new liberty by bluster and stubborn resistance. Out of this ignorance of language and customs arise many difficulties and collisions not merely with the settled Americans but also with each other, as Italians against Irish, and both against Jews. At first they are singular in dress and etiquette, some of the conventions of social intercourse which they bring with them having no place or meaning in our life. Their very forms of politeness and courtesy may give offense or awaken ridicule among those who do not understand their symbols. This occasions more or less of friction and resentment which may blaze out in quarrels. Many of the immigrants were rural peasants in their native land and they find themselves on landing in the bustle and confusion of great cities. There is the inevitable conflict between rural and urban habits and requirements. Anti-social acts spring out of this situation which breeds bitterness. The immigrants frequently exaggerate or distort the idea of "liberty" and bring themselves into collision with the police without having any very

clear idea of the reason for arrest. When brought before magistrates for some offense it seems to them an outrage and the foreign tongue used in trials embarrasses them and troubles them.*

Miss Grace Abbott, director of the League for the Protection of Immigrants, of Chicago, gave the experiences of many men in Chicago with employment agencies, emphasizing especially the dependence upon unscrupulous agents of laborers employed on the railroads. She made the point that the unnatural living conditions in the railroad camps had, in the case of the early Irish-Americans, produced the American hobo, and that we were at the present time manufacturing hoboes as fast as possible by subjecting Hungarians, Greeks and Italians to the same experiences. She gave striking examples of men who had been sent from Chicago to Arkansas only to find that the towns to which they had been sent offered no work, and they were compelled to walk back to Chicago to get their next job. This happened in two large groups of men—one of Hungarians and one of Bulgarians, both sent to Leslie, Arkansas. Although work might have been found within a few hundred miles of Leslie, in order to know of it they had to return to Chicago. Experiences such as these unquestionably frighten the immigrant so that he will not leave the city again under any conditions, and feels that the hardships and uncertainties of country life are unendurable. This state of mind adds an insupportable difficulty in our attempts to relieve the congestion of cities. Many cases of exploitation through employment agencies are reported, and it is evident that these agencies are greatly in need of reform in all the large cities.†

* The story is told of an Italian immigrant, newly arrived, that he was arrested for some infraction of an ordinance and sent to a work gang. After two weeks he sent word to a friend in Boston to hire a lawyer and sue his boss for not paying up the wages due!

† See discussion of immigration in proceedings of the National Conference of Charities and Correction at Buffalo, 1909; reports in *The Survey* of June 10 and 26, 1909.

VIII

AGENCIES OF RECREATION, SOCIABILITY, CULTURE AND RELIGION IN THE PREVENTION OF CRIME

IN this closing chapter we are to consider the methods and influence of associations which seek to stimulate, direct and gratify the nobler desires of human beings and so divert them from degrading and injurious modes of satisfaction. The proof that such agencies have value in relation to the diminution of crime would be difficult to furnish; yet it may be safely said that a large majority of those who understand human nature best, and who have had successful experience in dealing with wayward and obstinate members of society, firmly believe in the efficacy of these measures. Their belief is really an induction from a wide range of experiments, though a proper allowance should be made for the complexity of causes and the bias of persons already committed to a policy of action.

Anti-social conduct is a method of seeking natural satisfaction in a way which is hurtful to the community. The gratifications of the egoistic, base and sensual desires are narrow in range and low in grade, and they are sought with a passionate intensity, a swift directness, and an unscrupulous disregard of consequences which are characteristic of persons with a limited circle of ideas and sources of pleasure. The influence of higher and more varied interests in preventing anti-social conduct may be seen at work in: (1) the regulation of actions; (2) the attraction of the morally imperilled person into finer and helpful associations; (3) in substituting for wasteful, exhausting and corrupting pleasures of the animal nature the noble and enduring joys of a truly spiritual kind,—intellectual, æsthetic, sociable, ethical, religious. Persons who understand human nature and desire to escape from the control of unworthy desires know how little value fear and self-denial have in self-discipline. Those who have, either through common sense or the scientific study of psychology and pedagogy, come to adopt a wise method of ordering life, always act on the principle phrased by Dr. Thomas Chalmers in his famous exposition of "the expulsive power of a new affection."

There is a sort of fatal fascination, akin to that ascribed to the look of a serpent, in the aspect of a vile temptation, and the habit of introspection and brooding over the vicious attraction simply intensifies its power. The sagacious mother or nurse diverts the attention of a suffering child from its pain and quiets the storm of passion in disappointment by presenting a safer means of delight.

The psychological analysis of the argument may be presented in the words of distinguished American scholars:

"Emotional Control.—Here, as in the other forms, the first step is a negative one, to restrain the feelings. This is chiefly brought about by the control of the muscular system. In studying the sensuous impulses, we saw that emotions tend to manifest themselves in movements. It follows that if we can control these movements . . . we also control the emotions. In controlling feelings like anger, for example, the first thing is to repress its outward manifestation. But this may simply turn the feeling into another channel; if it is repressed from any external motive, it is almost sure to do so. In this case anger is turned into sullen brooding or a desire for revenge. It is evident that there must be some further method of checking feeling. This is again indirect through control of our thoughts. That is to say, if anger is the feeling to be inhibited, the thoughts must be kept away from the person who inflicted the injury or from the injury itself, and directed toward any benefits that may have been derived from the person, or towards any subject that will arouse pleasureable feeling. This suggests the most efficient method of repressing any feeling, namely, calling up an opposed emotion which will expel it. In general, it may be said that it is not the way to get rid of a feeling to destroy it, leaving a vacuum. This is impossible. It can be done only by introducing a stronger opposed feeling."*

"Suppose, two thoughts to be in the mind together, of which one, A, taken alone, would discharge itself in a certain action, but of which the other, B, suggests an action of a different sort, or a consequence of the first action calculated to make us shrink. The psychologists now say that the second idea, B, will probably arrest or inhibit the motor effects of the first idea, A. . . .

"One of the most interesting discoveries of physiology was the discovery, made simultaneously in France and Germany fifty years ago, that nerve currents do not only start muscles into action, but may check action already going on or keep it from occurring as it

* Dewey, John: Psychology. Harper Bros., New York, 1897. Page 396, Third Revised Edition.

otherwise might. *Nerves of arrest* were then distinguished alongside of motor nerves. . . . Arrest is not so much the specific function of certain nerves as a general function which any part of the nervous system may exert upon other parts under the appropriate conditions. The higher centers, for example, seem to exert a constant inhibitive influence on those below. . . . You know also how any higher emotional tendency will quench a lower one. Fear arrests appetite, maternal love annuls fear, respect checks sensuality and the like, and in the more subtle manifestations of the moral life, whenever an ideal is suddenly quickened into intensity, it is as if the whole scale of values of our motives changed its equilibrium. The force of old temptations vanishes, and what a moment ago was impossible is now not only possible but easy, because of their inhibition."*

These are the familiar psychological and pedagogical principles involved in the account now to be given in outline of certain philanthropic activities in American cities. In all these movements the intelligent leaders are quite aware of their bearings on crime, although this negative aspect is not made prominent in their appeals for money and especially not in their actual contact with the beneficiaries of their service. The very philosophy of prevention in this sphere forbids even an allusion to what is unworthy and tainting when this can be avoided. The administrators are not in face of a crime class, but companions and friends of human persons who, indeed, are ever in peril of falling but who are also capable of ascending the heights of spiritual nobility; and the wise social worker is aiming to increase power, enlarge enjoyments, and make positive contributions to the resources of society rather than to correct abuses and restrain selfish and insubordinate actions.

A characteristic of the characterless (amoraux)† is said to be the absence of inhibitions, which makes them un-moral, *i. e.*, without moral character. Morality is thus regarded by some writers as merely negative, inhibitory, a hedge of restraint about anti-social conduct.‡

This notion of morality is defective psychologically and is injurious in practice. The broader fact is that morality, properly

* James, William: Talks to Teachers. Henry Holt and Co., New York, 1899. Page 172.

† Maxwell, Le Crime, etc. Flammarion, Paris, 1909.

‡ Ward, L. F.: Dynamic Sociology, vol. ii, 155, 160 (criticizing a popular idea of morality which is not now so generally held as formerly). D. Appleton and Co., New York, 1883. Sumner, W. G.: Folkways. Ginn and Co., Boston, 1907.

defined, is the most positive and creative aspect of life: it is the effective disposition to live a complete life, and so to live that the richest possible satisfaction and highest possible development of personality may be furthered throughout the community and for all the race. Inhibition is impossible by sheer act of will; it is effective only by setting in action in consciousness diverting influences of hope and fear, passion or kindness; it is made most effective by imagining remote results of conduct to self and to others. Hence the importance of all means of higher culture and enjoyment in preventing crime. It is true that these higher motives often have little attraction for men and women already thoroughly debased; but we are not considering this class, but rather the vast majority of people who still are susceptible to such influences if properly brought to bear on them.

SOCIAL SETTLEMENTS *

Perhaps the American social settlements furnish the best starting point for the study before us in this chapter. They have been exceedingly fortunate in having as head residents and co-workers a considerable number of persons of large views, wide sympathies and a good understanding of the needs of working people. It would be quite reasonable to say that out of this life of prolonged, intimate and friendly contact with industrial families of our great cities have come some of the most discriminating and fruitful interpretations of the problems of urban life.

Furthermore, the settlements have one great advantage over many other organizations of educated people which have attempted to gain access to the immigrant populations,—they are not generally suspected of a desire to make proselytes. They do not attempt to win Catholics or Jews to Protestant creeds and churches. Their appeal is to the universal in humanity, and they reverence the divine in man under whatever forms of expression it may be clothed.

Again the settlements have no partisan relations and are not suspected of belonging to any particular political party. As they are not distributors of alms the residents of settlements are not apt to attract to themselves professional mendicants or to cultivate hypoc-

* Henderson, C. R.: Social Settlements, Lentilhon and Co., New York, 1899. Montgomery, Mrs. C. W.: Bibliography of Settlements, The Blakely Press, 1905. Woods, R. A.: Americans in Process, Houghton, Mifflin and Co., Boston, 1902. Many articles in *Charities and the Commons* (now *The Survey*). Baker, Ray Stannard, *American Magazine*, Sept., 1909. Addams, Jane: The Spirit of Youth and the City Streets, The Macmillan Co., New York, 1909.

risy and pauperism in their services to their neighbors. With these advantages the residents have, after considerable experience and comparison of results in Great Britain and the United States, developed a system of agencies which is not stereotyped but growing and budding with ever new inventions. The settlements have already, both directly and indirectly, helped to redeem the life of thousands of the poor and hard-working people from the monotony of existence which drives so many to excess and to the use of alcoholic stimulants. Their service to the physical and economical welfare of industrial urban population has already been discussed above, and it is fundamental.

They aim to satisfy the spiritual need of crowded, uncomfortable and poor families in legitimate ways by ministering to their æsthetic, sociable, scientific and political interests. This they do by opening rooms for informal assemblies, by making provision for games and plays and dances, by promoting dramatic representations, musical concerts, literary interpretations, national festivals; and they awaken scientific interest by classes and lectures on all subjects of concern to workers in various professions. In some cases an unsectarian worship is possible, but in American cities this is often made difficult by the heterogeneous origin of the neighbors and their conflicting religious beliefs and customs. The settlements have accomplished some of their best results by securing the co-operation of public authorities and especially of municipal administration.

THE BOYS' AND GIRLS' CLUB MOVEMENT

Some of the most essential principles accepted by the most competent leaders in this movement are the following: The community is under obligations of interest and duty to afford every child and youth the largest possible opportunity of self-development, self-expression, personal efficiency and fitness for co-operation in promoting social aims.

It is true that the alarming increase in juvenile crime in all countries has been one of the facts which aroused general interest. Since the public schools at best retain direction of children during school hours, and since the vast majority of children in cities, for economic reasons, must leave school for income-earning occupations, it is evident that society must not depend too much upon this agency of control and guidance. Even the parents in hard-working families are unable to watch over their children at all hours, especially

after the fourteenth year, and often they do not realize the importance of such supervision. In very many families the dwelling itself is so crowded that there is not room for the play and other desirable activities of children and youth.

The social necessity for helping boys and girls by some agencies in addition to school and family is enforced by certain psychological and pedagogical considerations. (1) Thus our recent studies of the functions of play in relation to personal development, preparation for adult occupations, and social harmony have persuaded those who were interested in these studies that a wiser and more liberal provision must be made for recreation; and this must include space, appliances and teachers of games. (2) It has been discovered that these play activities, if wisely guided, are the natural introduction to trade instruction; indeed many of the games and pastimes most congenial to normal children are imitations of serious work on which economic efficiency depend. (3) The moral perils of idleness have long been understood; and the free periods of holidays and after school hours are well known to be the occasions for trouble in the home and on the street, unless some rational occupation, agreeable to the young, can be supplied. (4) The phenomena of groups have been carefully studied, and their perils and their value have been analyzed. The "gang" of lads who associate for various purposes easily becomes a school of marauders; but may also be transformed into a "club" inspired by social aims.

The need of boys' clubs is painted from life by the master hand of Mr. Jacob Riis in How the Other Half Lives.*

"The saloon is the only thing that takes kindly to the lad. Honest play is interdicted in the streets. The policeman arrests the ball-tossers, and there is no room in the back-yard. In one of these, between two enormous tenements that swarmed with children, I read this ominous notice; 'All boys caught in this yard will be dealt with according to law.' Along the water fronts, in the holes of the dock-rats, and on the avenues, the young tough finds plenty of kindred spirits. Every corner has its gang, not always on the best of terms with the rivals of the next block, but all with a common programme: defiance of law and order, and with a common ambition to get 'pinched,' *i. e.*, arrested, so as to pose as heroes before their fellows. A successful raid on a grocer's till is a good mark, 'doing up' a policeman cause for promotion. The gang is an institution in New York.

*Riis, Jacob: How the Other Half Lives. Chas. Scribner's Sons, New York, edition of 1906, Chapter XIX, The Harvest of Tares.

The police deny its existence while nursing the bruises received in nightly battles with it that tax their utmost resources. The newspapers chronicle its doings daily, with a sensational minuteness of detail that does its share toward keeping up its evil traditions and inflaming the ambition of its members to be as bad as the worst. The gang is the ripe fruit of tenement house growth. It was born there endowed with a heritage of restrictive hostility to restraint by a generation that sacrifices home to freedom, or left its country for its country's good. The tenement received and nursed the seed. The intensity of the American temper stood sponsor for the murderer in what would have been the common 'bruiser' of a more phlegmatic clime. New York's tough represents the essence of reaction against the old and the new oppression, nursed in the rank soil of the slums. Its gangs are made up of the American born sons of English, Irish, and German parents. They reflect exactly the conditions of the tenements from which they sprang. Murder is as congenial to Cherry Street or to Battle Row as quiet and order to Murray Hill. The 'assimilation' of Europe's oppressed hordes, upon which our Fourth of July orators are fond of dwelling, is perfect. The product is our own.

"Such is the genesis of New York's gangs. Their history is not so easily written. It would embrace the largest share of our city's criminal history for two generations back, every page of it dyed with blood. The guillotine of Paris set up a century ago to avenge its wrongs was not more relentless, or less discriminating, than this Nemesis of New York. The difference is of intent. Murder with that was the serious purpose; with ours it is the careless incident, the wanton brutality of the moment. Bravado and robbery are the real purposes of the gangs; the former prompts the attack upon the policemen, the latter that upon the citizen. Within a single week last spring, the newspapers recorded six murderous assaults on the unoffending people committed by young highwaymen on the public streets. How many more were suppressed by the police, who always do their utmost to hush up such outrages 'in the interest of Justice,' I shall not say. There has been no lack of such occurrences since, as the records of the criminal courts show."

Mr. Riis says that in spite of the feuds among the different gangs there is also a sort of "ruffianly freemasonry that readily admits to full fellowship a hunted rival in face of the common enemy. The gangs belt the city like a huge chain from the Battery to Harlem—the collective name of the 'chain gang' has been given to their scat-

tered groups in the belief that a much closer connection exists between them than is commonly supposed—and the ruffian for whom the East Side has become too hot has only to step across town and change his name, a matter usually much easier for him than to change his shirt, to find a sanctuary in which to plot fresh outrages. The more notorious he is, the warmer the welcome, and if he has 'done' his man, he is by common consent accorded the leadership of the new field. . . .

"For our neglect in New York we are paying heavily in the maintenance of these costly reform schools. . . . In a Cherry street hallway I came across this sign in letters a foot long: 'No ball-playing, dancing, card-playing, and no persons but tenants allowed in the yard.' It was a five-story tenement, swarming with children, and there was another just as big across the yard. Out in the street the policeman saw to it that the ball-playing at least was stopped, and, as for the dancing, that, of course, was bound to collect a crowd, the most heinous offense known to him as a preserver of the peace. How the peace was preserved by such means I saw on the occasion of my discovering that sign. The business that took me down there was a murder in another tenement just like it. A young man, hardly more than a boy, was killed in the course of a midnight 'can-racket' on the roof, in which half the young people in the block had a hand night after night. It was their outlet for the 'exuberant energies' of their natures. The safety valve was shut, with the landlord and the policeman holding it down. . . . 'We have no great hope for a boy's reformation,' writes Mr. Wm. F. Round, of the Burnham Industrial Farm, to a friend who has shown me his letter, 'till he takes an active part in outdoor amusements. Plead with all your might for playgrounds for the city waifs and school children. When the lungs are freely expanded, the blood coursing with a bound through all veins and arteries, the whole mind and body in a state of high emulation in wholesome play, there is no time or place for wicked thought or consequent wicked action, and the body is growing every moment more able to help in the battle against temptation when it shall come at other times and places. Next time another franchise company asks a franchise make them furnish tickets to the parks and suburbs to all school children on all holidays and Saturdays, the same to be given out in school for regular attendance, as a method of health promotion and a preventive of truancy.'"

We learn from Bliss's Encyclopedia (page 345) that in the United States in 1905 there were 185 men's clubs, 220 women's clubs, 496

boys' clubs, 466 girls' clubs. According to an investigation made by Dr. H. D. Sheldon, in 1898, there were 862 clubs in the United States formed by persons between the ages of ten and seventeen. Of these 85½ per cent stood for physical activity. Most of the clubs in settlements and institutional churches, however, have been started by adults for educational and character purposes. Their object has been to get boys off the streets and from bad surroundings, and interest them in activities of their own. The general principle adopted is to leave the conduct of the clubs so far as possible to the boys themseves, with, however, a guidance from some older person, and, so far as possible, influencing the boys by the power of personality. This is more especially true of the younger and more recently formed clubs. A modern development is the federation of clubs.

Thomas Chew, Fall River, Massachusetts, in a letter of March 29th, 1909, says: "Boys go very much in gangs and I remember particularly one almost inseparable gang of five boys. They were little 'toughs.' One morning I saw four of five of these boys in the police court charged with 'breaking and entering in the night time.' They were all sent away to the reform school during their minority. My only surprise was to see only four boys. Where was number five of this gang? When evening came I found him cuddled up in a corner reading. 'Where were you last night?' I asked. 'Here, reading a book,' he replied. . . . This illustrates the method of the club in winning boys from the street. With some boys it is the gymnasium, the swimming pool, the bowling alleys, the games and entertainments, the classes in sloyd, bent iron work, cobbling, basketry and many others; the penny savings bank, the summer camp and employment bureau, and above all the sincere and earnest friendship of the superintendent. . . . There are marked differences, in some families, between the boys who attended the club and the others who did not and the advantage is with the club members. . . . We have a membership of 2500 boys and young men and have been at work nineteen years. An officer from our reform school recently said that fewer boys were sent there from our section than from other sections of the city. In the nature of things it ought to be the reverse."

The organization of groups of lads and girls is by no means recent. Some teachers in elementary and secondary schools have long since discovered the value of such groups composed of their pupils. Sunday school classes have for many years been treated as permanent associations, having their common recreations, festivals,

excursions, friendships and labors. The temperance lodges of the past century early discovered the value of forming auxiliary groups composed of minors; as the "Cadets of Temperance," with their ritual and attractive mysteries. But of recent years the number of individual efforts has been greatly increased, a special literature has been produced, and a body of specialists with professional ideals, has been developed. It is proper to speak of an organized club movement in America in the interest of boys and girls.

Perhaps the necessity for some such agency for boys has been felt most generally because boys are more aggressive when they are not tamed by team-work; and, again, boys seem to be more disposed instinctively to go in "gangs" than girls. Girls may find it easier to gratify their social impulses with their mothers, whom they may accompany in domestic labors, while boys generally have no such opportunity of being near their fathers in the mills and factories and on the railroads.

The support and direction of clubs for children and youth are found in various associations; as, the churches, the Young Men's Christian Association, the Young Women's Christian Association, and the social settlements. The architectural problems of providing suitable rooms and apparatus for groups of young persons have awakened considerable interest.

Richard S. Crummy, Supt. of the Newsboys' Home Club, 74 East Fourth Street, New York City, in a letter to Mr. A. A. Wordell, Brookline, Mass., March 20, 1909, says:

"The Boys' Club is a work of prevention of a constructive character. Its most attractive feature, especially for the boy, is that it practices the gospel of 'Thou shalt,' rather than 'Thou shalt not.' When a boy becomes a member of a club he finds men who believe in him, unconsciously he comes to believe in himself. He finds there those who appear to be anxious to help him do things rather than prevent him from doing them, and the worst boy soon begins to take pleasure in accomplishment and forgets the delights of disobedience. When good is made more attractive than bad any boy will soon form habits of honesty and industry which will insure him against a life of pauperism or crime. . . . These are not mere theories which I have advanced,but facts drawn from actual experience. . . . One boy had been a vagrant on the streets of New York for two years. He had been sent home by the Children's Society several times, but had run away each time at the first opportunity. His parents had no control over him. He looked upon every one as an enemy and took

delight in being an outlaw. During October he came into the club. At first it was only a retreat where he was safe from the 'cops.' I gradually gained his confidence. He became acquainted with other boys, most of whom were attending school, and began to realize how little he knew that was of any use, with all his tough experience. One night he told me he wished to go to school. I suggested that he save his money, go back home and go to school there. I was careful not to mention going home until he opened the way and as a result he fell in with the idea immediately. In three weeks he had enough money to buy his ticket home to Pennsylvania and went off with high resolves to go home, attend to business and make something of himself. It is now the fourth month, I hear nothing but good reports, and he is contented and happy. I have one boy who voluntarily, at my suggestion, entered a reform school, because his home surroundings were not good and he could not keep away from a gang which were leading him into bad practices."

Mr. Crummy then tells of a bad boy who came into the club for the purpose of breaking it up. The superintendent suggested to him that he seemed to have less sense than the other boys, which resulted in reformation. Another boy was saved by the club's making use of his talent for music. "If space and time permitted I could cite you numerous cases where little 'crooks' have become honest, trustworthy lads through the influence of the club."

Miss Kate Keith Van Duzee, Chairman of Work Committee, superintending the Boys' Club of Dubuque, Iowa, writes in a letter March 12, 1909:

"The Boys' Club was started to give a point of contact where the boy freely chose to ally himself with what might aid him. School was compulsory, work was necessary, and church a duty, but our club was sought by the boy and so exerted a stronger influence, if rightly directed; and at that impressionable age when boys seek companionship, but seldom seek improvement. Every boy at some time desires the companionship of other boys. These boys' homes in most cases could not satisfy that desire. There was no room for 'the crowd' and their noisy ways and games. We feel that our club has especially been a preventive in taking the place for the boy of 'the shanty,' which is what the boys resort to when restless at home. A shanty is a cheap club formed by the boys and run by them with generally a few older boys to teach the vices. Any shed or unused cellar will do and the parents let them continue unrestrained and unguided. . . .

"You asked concerning our club as a preventive. I can only tell of it as a positive influence for good,—which would include the negative influence of prevention. An adequate gymnasium is a 'let-off' to pent-up spirits. The manual training work in handcrafts is very popular, a fine discipline, and discovers hidden taste and ability. Almost everybody that attends our club becomes a worker at fourteen years.

"Games bring the boys into contact with people of high aims and well-ordered lives. The club is in touch with the juvenile court, sometimes acting as probation officer. It was to the club that one of our boys recently charged with stealing came, and he relied on the club to be a friend to him, a boy whose home was dreadful and whose father was a law-breaker. We did not try to shield him, but to help him for his future; he was not proved guilty and we are now trying to keep him on the upward path. We have helped many boys through that difficult age when no one seems to be interested in them; when conscience is only partially awakened, and yet all advice from home or church is spurned. . . . We visit their homes as a friend, not as a charity dispenser or a spy, and so we bring parents to a new view of their own boys and a feeling of greater responsibility. . . . So many parents are very unequal to their task and their homes are so vicious that it is a wonder their boys are not worse than they are. Now, while they are still plastic, the club adds a counter-influence. We do not want to take them from home unless as a last resort. So we come to them (or they come to us) as they are, and the club takes them from many evils and puts before them higher aims and all the time does it at the boys' own wish. It is a great privilege for the leaders,—a fine broadening of life and it should never be done in a spirit of routine, money-earning, discouragement, or without religious hope."

Mr. W. G. La Favor, of the North Side Boys' Club, Racine, Wisconsin, writes: "Our club has been a social center. We keep the young boys interested in wood work and general manual training. We are striving to bring the boys up so they will not have to be 'rescued.' We have only seven saloons within three blocks of us. We are gradually changing the sentiment concerning the use of liquor. We have dancing clubs, so are drawing young men from the public dance halls which have the bar attached. Our dramatic clubs have had a strong influence in teaching the young people to discriminate between the helpful and vicious plays. . . . Our young people are beginning to study and look for the art in all presentations. I am certain that through the club many boys and young men have learned their first lessons in morals."

The First Quarterly Announcement for 1909 sent out by the management of the Chicago Boys' Club, April 15, 1909, says: "We had an aggregate attendance of waifs and strays in all departments of our work for the quarter ending March 31, 1909, amounting to 15,972. During the quarter we placed boys in thirty-one positions of employment and gave temporary relief to one hundred and ten other boys. Our slogan is, 'A Boys' Club for every congested district in Chicago.' Our budget for 1909 is $25,000."

E. L. Mathias, M.D., Chief Probation Officer of Kansas City, Missouri, with regard to the effect of boys' clubs on juvenile delinquency in the particular case of a club established by George M. Holt, called the Light Bearers' Club, says: "When I state to you that in the neighborhood of this club, which is in a so-called 'tough' section, there have been but five arrests in three years, you will appreciate as I do the value of that institution in the community. I find in my work that the crimes committed by boys might be classified in the majority of cases as energetic criminality, and this factor takes care of the energy of the boy. The deduction can plainly be reached. I am heartily in favor of the movement to establish clubs in all thickly settled districts."

Mr. Donald North, Superintendent of Boys' Clubs, Springfield, Mass., in a letter dated April 6, 1909, writes concerning the clubs: "They are strong factors in helping a boy to find himself, to help himself, to spend his play hours profitably, and in clean surroundings. He is taught principles of civic righteousness, clean sport, and his ideals of womanhood are raised by contact with women visitors, etc. Essentially preventive, they also reform where possible. By visiting the homes of the boys, by finding them employment, by interesting business men in an individual boy, by attending the police court, by educating all lines of the boy's own individuality in such studies as manual training, drawing; by teaching clean life by contact with nature at summer camps, by encouraging instincts for music, drama, the superintendent of a boys' club makes his work as important and necessary to a city as a hospital, a police court, or a church."

CENSORSHIP OF THEATRES, MOVING PICTURES, AND RELATED ENTERTAINMENTS

The influence of dramatic exhibitions is felt in all directions. With the failure of "puritanic" methods formerly popular in many churches, the field had been generally abandoned in despair. But

of late years a considerable body of energetic persons have come to see that the theatre is a permanent institution which cannot be abolished, but may be freed from objectionable features and made an agency of æsthetic culture.

The chief forms of moral injury found in many entertainments are their abnormal excitement of sexual appetite, their coarse appeal to base desires, their occasional tolerance in green room and foyer of prostitutes, their melodramatic representations of criminal adventure. It is manifest that pictures and actions which stupefy the higher faculties and intensify the animal appetites already only too strong, must increase crime; and that an effective system of censorship would diminish causes of anti-social conduct.

Miss Jane Addams, in *The Survey*, April 3, 1909, says: "There is no doubt that we are at the beginning of a period when the stage is becoming the most successful popular teacher in public morals. Many times the perplexed hero reminds one of Emerson's description of Margaret Fuller, 'I do not know where I am going, follow me'; but nevertheless the stage is dealing with these moral themes in which the public is interested. . . . While many young people and older ones as well go to the theatre if only to see represented and hear discussed the themes which seem to them so tragically important, there is no doubt that what they hear there, flimsy and poor as it often is, easily becomes their actual moral guide. In moments of moral crisis they turn to the sayings of the hero who found himself in a similar plight. The sayings may not be profound, but they are at least applicable to conduct. It would be a striking result if the teachings of the contemporaneous stage should at last afford the moral platform upon which the various members of the community would unite for common action in matters of social reform."

Merely negative censorship of vicious dramatic representations and pictures is futile; by advertising objectionable plays it may even deepen their influence, for "stolen waters are sweet." To close up an entertainment which has given pleasure without furnishing a wholesome substitute places the censors in the light of killjoys and bigots. But the act of providing entertainment has a professional basis; it can be cultivated most efficiently only by specialists who are financially interested. Many excellent censors and critics have high standards of judgment, but neither creative power nor the capital to meet the demand on a large scale. The solution of the problem would seem to lie in a friendly partnership between the high-minded critics and the managers of the box office. Goethe in his introduction

to Faust long since faced this very problem, and left it in the air. Some hopeful experiments have been made to which we here call attention.

The Survey, April 3, 1909, has the following to say concerning censorship of moving pictures: "A censorship of moving picture programs has been established in New York. It is without legal authority, but will be binding through the force of public opinion and the formal consent of trade elements involved in the moving picture business. The censorship is a result of work which civic organizations have carried on in the field of cheap amusements for a year or more. Its importance, if effective, can be realized from such statistics as these: There are about 400 theatres in New York City; about 340 are moving picture theatres. The daily attendance on moving picture shows is a quarter of a million, and the Sunday attendance a half-million. Of these, 100,000 daily are children. In the tenement district the moving picture show has well-nigh taken possession of the situation. . . . The stages by which the situation has progressed toward a voluntary censorship are interesting. . . . The license bureau which controlled the shows became a synonym for 'graft.' There was a clearing up of the bureau and such an outcry was raised against the moving picture shows that the mayor revoked their licenses and legislative restrictions followed. All the business interests involved became frightened and agreed to the censorship, both those who manufacture and those who exhibit the pictures. Further the censorship has national bearings. The manufacturers of about two-thirds of the pictures that reach the American market, the Motion Pictures Patents Company, have established a committee on censorship of manufactures which has agreed to subordinate itself to the Board of Censorship in New York City. On the initiative of the People's Institute the following bodies joined forces to establish the censorship: the Public Education Association, the public schools, the People's Institute, the Federation of Churches, the Woman's Municipal League, the Ethical-Social League, the Society for the Prevention of Crime, the Neighborhood Workers' Association, the League for Political Education and the City Vigilance League."

The *Philanthropist* for January, 1909, contains a communication on The Censorship of Plays by John Collier, Secretary of The People's Institute, New York. He says that the People's Institute of New York has established an unofficial censorship of the plays in the city and carries it out in this way. "Certain plays are 'approved' or 'accepted' and from 500 to 2000 people a week are sent to each play.

These people are students, teachers, and wage-earners. They receive a coupon which amounts to an identification card from the People's Institute, present this at the box office of the theatre and secure rates at a reduction of 25 to 50 per cent. The gain to the theatre is manifest, the need of 'papering' is avoided, seats are filled even on slack nights at a price which in itself pays profit to the theatre. . . . Sooner or later in their runs most plays submit themselves to the 'unofficial censorship' and a goodly percentage are rejected. The peculiar and somewhat compelling influence of the censorship comes from the fact that those plays which have been passed on favorably are advertised prominently throughout the public school system of greater New York, while those which are rejected can by no means get into the schools. The department of drama and music of the People's Institute holds a semi-official relation to the Board of Education; its chairman is principal of the public schools and the last word in censorship has to be said by public education officials. . . . The actual number sent to the theatres each season by the institute varies between 60,000 and 100,000, and the work is growing rapidly. The theatres benefit indirectly as well as directly by the scheme, for a general interest in the theatre and in good music is spread among the people and thousands formerly unreached by the theatre are turned into theatre goers, the theatre public thus being permanently enlarged. Missionary work is done among immigrants, the propaganda being carried even into factories and sweat-shops. . . . A plan is now on foot to extend the censorship even to moving picture shows and to tempt the showmen to provide educational pictures of an ambitious sort, by the offer of patronage of school children. . . . The work is feasible in any city where plays or music come for extended runs. That it has a certain value in demonstrating the drawing powers of higher class plays and in educating the public both to an interest in drama and to ideals of drama, can hardly be doubted."

MUNICIPAL PROVISION FOR RECREATION AND ENTERTAINMENT

It is in the field of municipal activity that the socializing function of government has found its largest application, especially in recent years. It is the conviction of many sagacious observers that this has been due more to the first-hand studies and persistent agitation of residents in settlements and voluntary visitors of charity organization societies than to any other cause. It is rarely the sufferers from bad conditions who make the protest against them,

except in matters of wages where trade unions are well organized. In this field the trade unions are naturally the most efficient force, and the settlements have limited influence. But persons who go to dwell in a depressing district from outside carry with them standards of life which persons accustomed to extreme poverty have never had, and they are more sensitive to conditions which tend to extinguish the æsthetic and scientific interests of life.

Whatever may be the cause there can be no doubt about the rapid change in policy which finds expression in books and articles on municipal government in the phrases "social" or even "socialistic" functions of city administration. The older idea that a government has no other task than to collect taxes and repress disorder in times of social outbreak has almost no influence at this time; the so-called "policeman's club" theory of public action is voiced only by the rare conservative or rather destructive obstructionists who, with the timidity of senility, regret the "good old days" of the past.

The later ideals are manifested in various cities by organized movements of which the following are illustrations:

Paul U. Kellogg, in *the Survey*, June 5, 1909, discusses BOSTON —1915. The movement was launched at a dinner of one hundred and fifty men at the Boston City Club, March 30, 1909. "They have cribbed the old Puritan faculty of visualizing heaven and hell, and instead of letting things drift, or discoursing vaguely of a receding Utopia, they have set about seeing what is practically possible for the commercial capital of New England by 1915. And they have enough confidence in their undertaking to risk open failure by inviting the world to come and see—to scoff or be convinced—exactly seventy-two months from date. Their invitation reads not to a white or rainbow city of stucco buildings to be torn down and burned while alley buildings and dark tenement bedrooms stay on, but to a display of Boston itself—of Boston's government and finances; of the streets and parks and schools; of public buildings and civic centers; of shops and factories and stores; of their construction, equipment and operation; of the housing and general living conditions of the people; of institutions for the help of the sick, the injured and the unfortunate; of every factor in the life of a great city. And this display is to be one of actual things, just as they exist and are used in the community's daily life; the visitors being taken from exhibit to exhibit in automobiles and on street cars, which in themselves shall be an exhibit of the best achievement in their own ways. . . .

"The 1915 directors are outspoken in their belief, in the first

place, that business undertakings have a great stake in municipal progress and social reform, and should be enlisted openly and creatively in it; and in the second place that the common impulses of the great mass of the people are, in the long run, right, and that, if gathered up and organized as never before, these impulses will make up a constructive power in civic life beyond anything now at the command of the agencies of righteousness. . . .

"The City Club has dealt with the fundamental idea that the power of the grafter lies in his ability to appeal to prejudices—racial, religious, class—which can always be appealed to when men do not know each other. The basic method of the City Club has been to put a roof over the old conception of the Common, and to get men together there with their feet under the tables. The initial membership was representative of eighty organizations, such as labor unions, exclusive clubs, business bodies and political groups. . . . There is nothing in America that works quite like it. Go there every noon and watch the men filtering into the score of luncheon rooms, which open out of each other, in three old residences on Beacon Street. Those men around that table are architects; these, the heads of charitable organizations; beyond, a bunch of young physicians. At night it is the same, newspaper men, labor leaders, corporation lawyers, college professors, ward bosses, bankers, making up the groups about the lobbies, or around the beer steins. The membership is 3,000. The club has made for mutual understanding and undone much bickering. Yankee and Irish break bread together as never before; and the luncheons, like the famous tea party, play a part in the town's history." The article then tells how the City Club has been reorganizing and revivifying trade and city improvement societies and co-ordinating their efforts and thus making possible the present movement.

"The platform is as follows:

"1. By 1910 to have an expert accounting of the financial condition and resources of the city, present and prospective; and so clearly stated, explained and illustrated that the man in the streets may understand. Moreover, the fact should be plain that, whether he owns property or not, he contributes to these resources and pays a tax in every purchase he makes and in every comfort he provides for those dependent upon him.

"2. By 1910, to understand clearly the waste and other losses in the public finances and service; to complete all reports thus far made, and to publish the findings fairly and impartially.

"3. By 1915 to have the best public health department that can be planned on the basis of all experience; the best system of sanitation for the prevention of wasteful and unnecessary disease and accidents; the most scientific and effective treatment of the stricken and physically deficient; and the most intelligent protection of child life; the best system of insuring the purity of the food and water supply; in short, the most complete organization possible for guarding the public health. A large part of the skill and force which in the past have been employed in curing disease and repairing accident should be utilized in making effective measures to prevent them.

"4. By 1910, to have made a careful accounting of the human resources of the city, to make it clear that Boston can rank first in the skill and character of the workers and in organizing and executive abilities of its industrial leaders.

"5. By 1910, to secure a broad-minded consideration, by and with the employers and employes, of their relations; happier and better conditions here for both the workers themselves and their wives and children than anywhere else in the world, to the end that by 1915 all Boston shall be busy in peace and prosperity, in leading in the solution of new enterprises.

"6. By 1910, to have under way an organized movement for the extension of existing industries and the introduction of new enterprises.

"7. By 1911, to gather for the people of Boston and for their neighbors accurate information concerning the particular capacities of the cities, towns and country districts of New England, and to assist sympathetically in the development of them; to consult with men having special knowledge as to their agricultural and other resources; to learn and to appreciate what is now being done with and for them, and to help to point out and encourage all men and women to see what may be, but is not being done.

"8. By 1915, to have in successful operation a system of public education so planned as actually to fit the boys and girls of Boston for their life work, most to develop not only their minds, but their strength, skill and character, and to give them an intelligent interest in life and in their city, in the broadest sense. This system should provide also for adults through evening and part-time schools and well-planned industrial training. But it should include an organized system of playgrounds, baths, club-houses, and social centers for both old and young.

"9. By 1915, to have well along toward completion the execution

of an intelligent system of transportation for the city, state and New England as a whole, steam and electric express, freight and passenger. This plan should be the result of public deliberations between the transportation interests and the public, represented by men who best understand Boston's needs in transportation; advised by experts familiar with the latest improvements at home and abroad; these deliberations to be guided by the assumption that the true interests of transportation companies and of the public are identical.

"10. By 1912, to draw out of all these plans, and out of the best experience of European cities, one city plan which shall show how Boston will look physically when finished. The city as it shall be the basis of this plan; and the city as it is growing naturally shall be the guiding lines of the proposed design for the future. But the proposition is to include such features as help to make a city a place of healthy, happy homes—playgrounds and public buildings that are really for the people. And the purpose is to draw a picture of the physical possibilities of Boston, which may not be compulsory, but which will have all the influence that unity, convenience and beauty exercise upon the human mind.

"11. By 1910, to have established a system of small neighborhood and district centers where lectures will be given, illustrated with lantern slides and other pictures and maps; where city officials may meet the people and where the candidates of any party and others who have suggestions to make or help to ask may meet the people. And as a part of the plan it is proposed to establish (probably at first by private enterprise):

"12. By 1910, regular courses of lectures in civil government, politics, city planning, play, health and business, together with various entertainments.

"13. To increase the number of regular public library branches and to establish here the system that has succeeded elsewhere, of circulating through shops, factories, schools and clubs.

And—

"14. That the Public Library and Art Museum shall circulate pictures and the reproduction of pictures, as is done in France; and as a part of this service, provide lecturers who shall follow the pictures around and point out not only the beauty and æsthetic and historic significance of them, but the skill of the artist in the use of line and color. This should help to develop among our people a love of beauty that will not only find expression in their homes and their daily lives, but increase their taste and capacity for artistic work.

"15. By 1912, to have more music in the parks and in the neighborhood centers. In order, however, that the people shall feel that these centers are their own, they shall be equipped with gymnasiums, baths and a society hall or halls where the people may organize their own clubs and provide for their own entertainment.

"16. By 1915, to develop and secure the adoption of a comprehensive system of wage-earners' insurance and old age pensions which shall afford protection against the risks of sickness, accidents, old age and premature death, to the end that wage-earners may be in fact as well as in name independent citizens of a free commonwealth; that public and private service may be honorably relieved of those whom age and misfortune have rendered inefficient; and that the heavy burden which the community bears of supporting those who are dependent may be lessened."

This systematic, comprehensive, intelligent program is not peculiar to Boston. All its elements and aims are discussed by clubs of men and women in all parts of the United States and effective efforts are everywhere put forth to realize such plans.

One of the most significant movements to correct evils and further good living in our cities is the National Municipal League, of which we give from reports the following notices. This league has what is called a clipping service and through this receives notices of the signs of its influence in various parts of the country.*

"Here is a bulletin from a board of trade of one of our smaller cities speaking with pride of the fact that it is an affiliated member, and calling upon the citizens of the town to spread the ideas we are advocating. Here is a letter from a little city in South Carolina in which we are thanked for having responded to a prior request for certain publications and saying that by their aid the writer has been able to arouse a degree of public spirit that he hopes will produce and have a lasting effect upon that little city. Here is a letter from Nebraska, from an institution of learning out there, asking for some of our documents, naming the documents, in order that the students of that University may have an opportunity to get the information which we are furnishing. Here is a letter from a city in Missouri enclosing a clipping from a local newspaper showing how, inspired by our Baldwin prize, a resident there has instituted a series of prizes to be competed for by the seniors of the high school in practical civic topics affecting the home city. . . . Here is a letter from a little

* Results of the League's work, from the report of Horace E. Deming, National Municipal League, November 16, 1908.

city in New Jersey saying that the writer has observed the plan for municipal accounting that we have been advocating . . . how it has worked in a neighboring city; and it has worked so well he proposes to see—and he is an alderman, perhaps he can do something—if he cannot have it introduced in his own city. Here is a letter from Cuba, announcing that the projected municipal law which has been recently submitted there is to be acted upon is founded on the sound principles of government endorsed by the National Municipal League of the United States."*

"On March 31 last . . . we had 1442 enrolled members and 90 contributing members . . . Up to November of this year we have made a further net gain of 76 members. . . . Our affiliated membership consists . . . of clubs and organizations that join us as organized bodies. We had a year ago one hundred and twenty-five such organizations on our roll. Their membership was in round numbers one hundred and eleven thousand. We have now one-hundred and fifty-four such affiliated members, with an enrolled membership in round numbers of one hundred and forty-six thousand. Besides this . . . there are thirty organizations whose membership we have not been able to verify."†

Municipal Playgrounds

Inspired by the pioneer efforts and success of philanthropic individuals and voluntary associations our cities are now seriously getting to work to provide recreation centers for the people.

The Playground Association of America‡ is a 'clearing house' for playground information. In order to put inquirers into touch with playground plans and methods of proved efficiency the Association seeks the co-operation of all local organizations that have the playground as part of their care. The information received is being published in Part II of the Proceedings of the Second Annual Congress. Questionnaires are being sent out to all cities of 5,000 or more population with a view to continuing the investigations already begun. Of the one hundred largest cities in the country, somewhat more than one-half have playgrounds, in the North Atlantic States more than

* Page 6 of the report of Horace E. Deming, National Municipal League, November 16, 1909.

† From report of Horace E. Deming, National Municipal League, November 16, 1908.

‡ *The Playground*, Feb., 1909.

half, in the rest of the country about half. Adequate playground facilities, however, do not exist in any of our cities.

Mr. Joseph Lee, a pioneer in city work for children, interprets the meaning of this movement somewhat as follows:* "The social faculties of a child up to about three years of age are developed chiefly by the child's play with its mother. There is hardly any sort of spiritual communication, any expression of mutual sympathy or confidence, any shade or incidence of joke or challenge or repartee, that the child does not fully enter into and understand. . . . Indeed the essence of conversation, the true meeting of minds, precedes the ability to talk and is the cause, not the result, of it.

"Somewhere between the ages of two and three the child becomes aware of relations to other children. By dramatic play, too, the child becomes more fully aware of the family relationship. His way of investigating the mother is the way of all true sociological research, that of putting yourself in the place of the subject to be studied. The child becomes a part of the family, as Froebel would say, by making it a part of himself. Between ten and eleven comes the "big-injun" stage. The discipline of athletic games controls the anarchistic tendencies of this period. Cheating does not satisfy because the final judge of the competition is one's self. One is not satisfied of his superiority unless it is fairly proved. The sense of common interest makes fair play and takes the competitive impulse into camp, domesticates and socializes it.

"The competition of games develops rules that must be observed. How early the efficient judicial and legislative faculty appears in children is a question on which opinions differ. But as soon as it does appear children ought to be let alone enough to feel the pinch and the necessity for exercising it, to experience the disadvantages of anarchy, and to learn for themselves to overcome them. The combining instinct, the writer thinks, takes especially strong hold on the child at about eleven. The author's discussion of the sort of training afforded by the great group games brings out the following points: (1) Deep participation in a common purpose. Conscious individuality largely lost in the sense of membership. (2) This sense of membership includes a sort of mechanical realization of the rest of the team. (3) Consciousness of the team as the embodiment of a common purpose. (4) Severe training of the power to hold the sense of

* Lee, Joseph: Play as a School of the Citizen. *Charities and the Commons*, Aug. 3, 1907. By the Vice-President of the Massachusetts Civic League.

membership. (5) The team becomes a part of the player's personality.

"The group game is the fullest expression, and is capable, I think, of being the best school of effective membership. But there is an expression of social sense in the rhythm of dances, songs, etc. The sport that best combines team play with rhythm is rowing in a crew. I wonder whether it is a coincidence that the democratic nations of the world have been the rowing nations.

"The narrowness of the gang, that may develop in games of gang against gang, will give way in making it a part of a larger whole. Athletic leagues are recommended for this purpose. In general a boy's team sense should be taken at its most exalted and enthusiastic moment, before it has hardened down into narrowness, exclusiveness, incapacity for generous appreciation for outsiders, and at this point there should be injected into it the idea that a narrow loyalty is destructive to the very inner spirit and essence of which true loyalty consists."

Another trained observer, Mr. Lawrence Veiller, concerning the Social Value of Playgrounds in Crowded Districts,* says that it is not many years since men believed that poverty was caused by the hereditary vices of the poor and that tuberculosis was simply an hereditary disease. "We now know that neither view was correct. Poverty is a germ disease contagious even at times; like tuberculosis it thrives in darkness, filth and sordid surroundings; when light has once been let in the first step toward its cure has been taken. The playground movement may be considered from several points of view: As recreation, as amusement, as education, and if you like, finally as social insurance. The experience of the Boer war taught Great Britain that the conditions of city life were destroying the physical efficiency of its army.

"Let me ask you to consider the effect on a neighborhood of playground development, the making of the playground a neighborhood center and the grouping around this center of various civic and social activities. With our large Italian population this is of great importance. One of the main reasons why the Italians congregate so largely in the cities of this country, is that they desire to get into the more crowded quarters of the city the equivalent of the social life which they found in the village square in their home country. The playground can be very easily made a neighborhood center of great social value to the community. In considering the social value of

* *Charities and the Commons*, Aug. 3, 1907.

playgrounds, let us not lose sight of their educational value upon the parents of the children who make use of them. I take it that we are all agreed that the main purpose of having children is to educate and develop their parents, and from this point of view we should not lose sight of the developing power that the playground has upon the older generation. Every man is a boy at heart, generally as long as he lives."

Mr. Veiller then calls attention to the influence of the playground in reducing class antagonism. The poor, he assures us, are not blind to the superior opportunities for amusement that the rich enjoy. "The treatment of automobilists in passing through the poorer quarters is an expression of class envy due to resentment at persons who are able to devote themselves so much to pleasure and recreation when so large a portion of the community is denied these opportunities. . . . No factor, to my mind, makes more strongly for the elimination of this class feeling than the extension to the poorer members of the community of similar opportunities of healthful enjoyment and recreation."

Luther H. Gulick, on Play and Democracy,* said:

"It is true that there is in the playgrounds a measurable degree of control—that kind of control which wards off disaster—as in the case of the baby learning to climb. There is that control which prevents the older from encroaching on the right of the younger, which restrains the bully from encroaching on the rights of the weaker. But the control in a well-managed playground is largely of the mutual consent kind. It is that control which obtains throughout all well-regulated society, the control by public opinion rather than the control of either force or fear. Play in itself is neither good nor bad. To sink one's very soul in loyalty to the gang is in itself neither good nor bad. The gang may be a peril to the city, as indeed is the case in many cities. The gang of boys that grows up a political unit, bent merely upon serving itself, possessing a power which mutual loyalty alone can give, is thereby enabled to exploit others for its own advantage in a way that is most vicious. My point is that these mutual relationships have an ethical effect. This effect may be toward evil and it may be toward good but the ethical nature itself is primarily related to self-control and to freedom."

Mr. Gulick points out that the athletics in one school may develop low ideals of conduct, in another high ideals. Hence the significance of having playgrounds and play organizations, including

* *Charities and the Commons*, Aug. 3, 1907, p. 481.

school athletic organizations, in which the ideals presented shall make for good social relationships, that frown on the bully, that exclude the person who is merely selfish, that approve of the person who is courteous as well as strong and quick. Anti-ethical play is worse than no play at all. It is not merely play that our cities and our children need. They need the kind of play that makes for wholesome moral and ethical life, the play that makes for those relationships between individuals that will be true to the adult ideals which belong, and should belong, to the community.

Seth T. Stewart writes concerning recreation centers in the city of New York:* "The total park area of old New York alone is 1444 acres with a population of 1463 people to each acre of park. Tompkins Park illustrates the difference made by a playground center. The rally to the red flag years ago always occurred here, and thence rioters marched with anarchy in their train, but now this park is often the scene of games by boys and girls in flag drills and other forms of patriotic play.

"The city has, moreover, an elaborate system of free swimming baths around the river front and free baths in the interior of the city. Between three and four million of individual baths were taken in seven of these baths in one year."

Some ten years ago eight recreation piers were constructed by the Department of Docks and Ferries, the upper stories being used for recreation purposes. They were built at a cost to the city of more than a million dollars and the annual expense of maintenance is about $150,000. The piers vary in size from 300 to 800 feet and on a hot Sunday there have been as many as 12,000 people on the larger piers.

The vacation playgrounds numbered one hundred in 1907, the number planned for 1908 was 125, with 810 workers, the salary budget being $84,456. The average daily attendance for 1906 was 70,000. The evening recreation centers planned for 1908 numbered 211, with a salary budget of $95,000. The evening roof playgrounds numbered 11, with a cost of $20,000 for music and $10,000 for baths.

Miss Jane Addams, whose long and penetrating observation of urban conditions gives her words authority, writes of public recreation and social morality.† She holds that public amusements in the city should have a psychologic basis. The two leading qualities upon which play may be successfully founded are anticipation and

* *Charities and the Commons*, Aug. 3, 1907.

† Addams, Jane: *Charities and the Commons*, Aug. 3, 1907. See also her book, The Spirit of Youth and the City Streets, New York, the Macmillan Co., 1909.

reminiscence. "We continually forget how new the modern city is and how short the span of time in which we have assumed that we can eliminate from public life public recreation. The Greeks and Romans held games to be an integral part of patriotism. It would be interesting to trace how far this thoughtless conclusion (that the modern city need not provide recreation), is responsible for the vicious excitements and trivial amusements which in a modern city so largely take the place formerly supplied by public recreation and manly sports. It would be illuminating to know the legitimate connection between lack of public facilities for decent pleasures and our present social immoralities.

"Our present cities are largely composed of people born in the country. In their former homes their business was to conquer environment. Now it is to become subordinate. . . . Mr. Patten has pointed out the plight of a man in such a state and says that the theatre is almost the only place that serves 'memory food.'

"In constructing games on a reminiscent basis men are able to draw upon a vast store of human experience. In point of fact, we have a multitude of games founded upon religious festivals, upon the manoeuvres of war, and of the chase, upon harvesting grain and treading the grapes, upon love making, upon trial by combat, upon the processes of primitive industry. It would not be impossible to revive and develop these historic games into a tremendous power for the very sort of recreation and refreshment which a man living in an industrial city most needs and of the sort which nothing else could afford him."

Miss Addams feels that the commingling of races here would enable us to develop such games as by their nature appeal to the primitive and universal characteristics of men. These public games would also perform a social function in revealing men to each other, for it is in moments of pleasure, of emotional expansion, that men do this most readily. Public recreation would bring young and old together. In the past their lives have not been so separate as they are now. The dance hall without the chaperone is a device of the modern city. We have no responsibility in regard to their pleasures and continually forget that amusement is stronger than vice and that it alone can stifle lust. We see all about us much vice that is merely a love of pleasure "gone wrong," the illicit expression of what might have been not only normal and recreative pleasure, but an instrument in the advance of a higher social morality. The young athlete rushing to the baseball team does not stop to enter

the saloon, nor the one on the way to a swimming pool to go into a dive.

Those few cities in the United States that spend more money for juvenile reform than for public education are deservedly held in disrepute and yet every city in the United States spends a hundred fold more money for juvenile reform than is spent providing means for public recreation and none of us, as yet, see the folly and shame of such a procedure.

Dr. Elmer Ellsworth Brown, U. S. Commissioner of Education, in *Charities and the Commons*, Aug. 3, 1907, says that all our people need the country, and yet many in the cities are as hopelessly removed from the real open country, with all that it means for our national health and vigor and imagination, as if they were shut in by a Chinese wall. "The part of a modern park that appeals to a boy and ought to appeal to him, is the part that gives him a chance to do something. For any real lover of human nature—boy and girl nature—the most beautiful thing in all our public parks to-day is a lot of children hard at play where there is room to play and nobody cares whether the grass grows or not. . . . I think we shall find a good many more ways of taking city children out into the open country. . . . But nothing will take the place of a playground near at hand to which the children can run on short notice and from which they can quickly return, so that the playground becomes an integral part of life." Dr. Brown urges that the roofs of city school buildings be utilized for play purposes. He says that new ways are to be found by which the vacation schools, the school garden, and organized teaching of play, will work together with the public playground for the promotion of playground purposes.

Gov. Hughes is quoted: "Cut down the school hours one-half and double the playground hours and you will have done more for 'Young America' than by any other possible step."

Miss K. Bergen says: "In the minds of those working for playgrounds it is as clear as to the officer on the beat that where playgrounds are there are fewer arrests. Such little delinquencies as occur among the rougher element in the playground, the older boys who have not learned to play fair, or the mischievous who hide or steal the games, are not infrequently brought to terms by a jury of their peers, for if the right spirit prevails in the playground, it certainly stands for fair play and honest recognition each of the other's rights."

Mr. Theo. Groot, Supervisor of the Chicago playgrounds, estimates that 71 per cent of the children using them reside within

one-quarter mile of the playgrounds, and 90 per cent within one-half mile. Taking these radii of efficiency what answer is given to the question as to the effect of these playgrounds on delinquency? Between 1900 and 1907 the city as a whole showed a decrease of 18 per cent. The playgrounds show a decrease of 24 per cent when their radius of efficiency is taken as one-quarter mile. A rapid increase is shown when this radius is increased. . . . After the small parks had been operating for two years, the South Side alone showed a decrease in delinquency of 17 per cent relative to the delinquency of the whole city, while the rest of the city had increased its delinquency 12 per cent, showing in favor of the South Side a difference of 24 per cent upon the supposition that without the small parks the South Side would have continued to furnish its due quota to court wards as compared with the rest of the city. The areas within a half mile of the parks show 7 per cent more cases successfully dealt with by the juvenile court than the city taken as a whole.

Dr. L. H. Gulick says: "Chicago is in the lead as to material equipment by means of the play centers of from five to sixty acres each. These centers provide indoor and outdoor gymnasiums for both men and women; sand gardens and wading pools for the smaller children; ball fields for the bigger boys and men; restaurants, libraries, etc. They have broken through the sacred tradition in accordance with which our playgrounds have hitherto invariably been the most desolate, hideous, homesick, and generally God-forsaken looking places in the neighborhood, by the introduction of shrubs and flowers around the edges and of grass (may Fate be kind to it!) on some of their ball fields. These play centers are carried on at an annual expense of $25,000 to $30,000 each. The writer urges that as yet the provision for playgrounds is by no means adequate. He says it should include (a) a playground of thirty feet square for each pupil of every primary and grammar grade, the ground to be located within a quarter of a mile of the child's home; (b) adequate playgrounds for all children from ten to seventeen within a half mile of all such children; (c) athletic fields in parks and suburbs not only sufficient for present demand, but such as to encourage the pursuit of games by all the adult population.

Mr. Joseph Lee tells us:* "Of twenty-six cities of Massachusetts voting on the playground referendum, the playgrounds won by large majorities in twenty-four. Of sixteen towns voting, all decided the case in favor of the playgrounds. The total vote in the state

* *The Survey*, April 24, 1909.

was 153,651 in favor and 34,284 against. An interesting outcome of the movement has been that the idea is taking root in many places too small to vote under the act." Already movement is under way in towns too small to vote under the legislative provision.

Free Lectures in Cities

An interesting illustration of the union of public and private agencies is furnished by the courses of free lectures in the halls of city schools in Chicago. In the year 1908–1909, 342 free lectures and entertainments were furnished. The *Daily News* of May 29, 1909, comments on the work in this way: The furnishing of enjoyable entertainment in home neighborhoods is rendered particularly beneficial by the associations which it establishes between all the people and the institutions where the children of Chicago are being fitted for the duties of life. It is right that the active generation which manages the affairs of today should get direct use for themselves from the public schools which it supports for the training of the citizens of tomorrow.

Along with many native Americans a large number of men and women of foreign birth have found these free lectures of use in opening new doors of knowledge. Thus they aided in broadening their acquaintance with the methods of speech in the land of their adoption. One of the many good purposes served by these free lectures is that of helping to bring into full sympathy the earnest new citizen of this land and the native citizenship which welcomes them and learns from them while imparting instruction in American ways and American institutions. The paper recognizes the public-spirited lecturers, school principals and teachers who have co-operated so unselfishly at such a cost to themselves of time and effort to entertain and instruct the many thousands of persons attending the fall, winter and spring courses of free lectures.

Mr. Dennis, of the Chicago *Evening News*, says that the paper chooses a school house centrally located and asks the school board for its use on the night desired, usually a Friday night. This is granted for a lump sum that provides light, heat, janitor service and a man to keep order. The amount of money leaves the school board a safe margin above expenses. Wiring for stereopticon, etc., the paper does at its own expense. Mr. Dennis says that the New York City school authorities conduct such lectures at public expense, but that the Chicago school board do not feel that they have a right so to do.

The most important municipal work for adult education is done by the city of New York, where the lecture system is thoroughly organized under the Department of Education. The experiment there covers more than twenty years from the beginning in 1889. A recent report shows 169 lecture centers, lectures on 1,575 different subjects, before 5,795 audiences, by 641 lecturers, with a total attendance of 1,213,116 and an average attendance of 212.* The lectures are popular in form and cover all subjects of human interest—literature, history, science, technical arts, social subjects and the fine arts. The steady growth of interest and attendance proves that many men and women will go to school in the evenings, will seek to know more truth, will enjoy, in the very rooms where their children study, the best creations of music and poetry, and will rise into a nobler world of beauty, order, obedience to law and fellowship with each other.

The Public School as a Social Center

Jacob Riis, one of the illustrious citizens of America, himself an immigrant, says:† "You will not forget what more and more comes to stand to me for the best and most practical effort at Americanization—the socialization of the public school. As a social center to replace in a big sense the 'town meeting' touch that was lost when we grew to be an urban population, it looms larger and larger. I look for the time when we shall use the big hall in our schools for political meetings and so modify the bitter partizan tinge or civilize it for better civic use. In the immigrant problem that stands for much that does not appear on the surface. In one of my books I pointed out that your immigrant in our cities—and not only from abroad—is absorbed into the lower strata of its political life largely because he is not counted in. Nothing is expected of him and he comes up to the requirement. He is a social creature and quite alone. Tammany reaches out for him with the only human invitation and he accepts gladly. If he came from abroad he misses being placed. They had him there by the hand—or by the neck—church, tax-collector, burgomaster. He is enrolled in the army, enrolled everywhere, has certain duties to perform. The utter freedom from restraints is too vast. He has no backing. If he come from the country, there he counted

* Annual Report of the Supervisor of Lectures to the Board of Education for the year 1908–1909; Henry M. Leipziger, LL.D., Supervisor.

† In a letter to the author, 1909.

for one in his environment. In the city swarms he is lost. Enroll him, get him. The churches are trying to lay out parishes. That is good. The school can do more. We must get him for good or he will drift into the bad."

PREVENTIVE METHODS OF RELIGIOUS ORGANIZATIONS

The churches in the United States are entirely separated from both the federal and local governments; they receive no income from taxation for ecclesiastical purposes. They are protected against disturbance and injury to their property, and their grounds and buildings devoted to worship and education are exempted from taxation, just as is true of other societies which voluntarily contribute to the educational and charitable service of the state and nation.*

During the last twenty years most of the leaders of the large churches have gradually withdrawn from theological controversies and petty disputes and have concentrated their means and energies on more practical service of humanity by evangelization, moral reforms, charitable works and labors for improvement in all social relations. In the universities and theological schools the coming generation of pastors and priests is receiving much more incentive and information from special courses on practical work than was true in the last century, and thus the movement is being inspired from fresh sources.

Naturally much of the new zeal for humanitarian effort is directed to the relief of distress and the prevention of crime. As the various churches have many rich members, some of them among the most wealthy men of modern times, this tendency is all the more significant. The zeal and the enthusiasm of religion have always secured the consecration of wealth and personal service in the direction taken by the beliefs of the age.

Part of the value of religion can be known only to the persons who experience its influence in their own consciousness; part of it may be seen in its effects on outward conduct.

The human race, experts tell us, descended from humble ancestors, which for cycles of ages lived in the realm of satisfactions essentially animal,—securing and enjoying food, sexual gratifications, bodily activities connected with these pursuits, with the mere

* This whole matter is clearly described by Bryce, American Commonwealth, New York, The Macmillan Co., 1891; and recently by Abbé F. Klein in Au Pays de la Vie Intense, Paris, Plon-Nourrit et Cie., 1904, and Amerique du Demain, 1910.

beginnings of sociable play, art and intellectual curiosity. In this day the vast majority of men live most of their time and spend most of their effort on this level. Anyone who offers material good and serves simple bodily wants is sure of a market and an audience. Some of the cravings of animal nature have been stimulated artificially and have become morbid, destructive and wasteful,—as seen in the abuse of alcohol and narcotic drugs, in the social evil, and even in excessive devotion to athletic sports. In these excesses and perversions the primary values of health, force and efficiency disappear from view and a process of deterioration begins. The higher human faculties of intelligence, when engaged in slavery to perverted or excessive bodily cravings, become instruments of degradation, loss and final death.

The interests of pure science, of philosophy, of art and of religion have much in common; they are all values of comparatively recent date in the evolution of the human mind; they are often the first to give way under the strain of life and the weakness of intoxication, disease and old age; in their nobler forms they are enjoyed by relatively few; they are ultimate values and cannot be estimated in terms of lower goods, as money or cattle, or sensual gratifications. We may sell all to buy them, but we cannot sell them to buy anything else.

A brilliant magazine writer says that he went to a church and heard a good sermon by an able man and the music was excellent, but "Nothing happened; no one expected or wanted anything to happen." Let us suppose he went with a large company to see a picture, or hear an orchestra, or view a landscape, could we not with equal justice say: "Nothing happened; no one expected or wanted anything to happen." When a student of pure science or mathematics, after twenty years of intellectual toil, well directed, publishes a volume full of new thoughts, verifiable by appropriate methods, what happens? How many people are interested? How many at once receive benefit? Yet this may be of enduring value to mankind. The advocate of the church, as a social institution, may properly defend its claim to practical utility on the ground of its subjective value to a considerable number of persons who declare that they find a good in religious experience which cannot be found in the gratification of the senses, nor in art, nor in science, nor in philanthropy. It is only fair to hear their declarations as to the power of religion to comfort in inevitable trouble, to kindle courage in hours of temptation, to sustain moral purpose in the conquest of obstacles, to repress

base passion, to soften the hatefulness of savage temper, to awaken kindliness even toward enemies.

From the outside it is easy to say that men of genius who thus spoke—Augustine, Paul, St. Francis, Bernard, Gladstone, Guizot, Washington, Lincoln,—were self-deceived mystics, chasers of dreams, momentarily living in an unreal world; but to those who had the experiences of religious feeling and vision they were certainly real. But multitudes of humble and obscure persons still find in religious experience that support and exaltation which no other element of life can yield to them, and they find this value heightened and stimulated by social worship, by what happens inside them at church and in consequence of what is done in church services.

The outward, objective, visible, material evidence of this subjective value of religion, as cultivated in the churches, is found in the immense sacrifices of lower good for the sake of the church, including time given, and in the labor and deeds of philanthropy which flow from the church life. As to the contributions of money and time for the church, as the social institution of religion, it may easily be shown that there is at least a temporary decrease in some respects in the United States, as in Europe. But, on the other hand, the church has still much to show in evidence of the reality of interest felt in its service to human society. We may cite the figures gathered by the federal government and published in 1909:

Our Religious Statistics

The census bureau has issued an abstract of its report on the religious denominations of the country. The only preceding census report of the sort was that of 1890, this being for the year 1906. There are found to be 186 religious denominations, against 146 discovered in 1890. But during this period 12 ceased to exist and 4 others were consolidated with others. By division 13 new bodies appeared, while 48 new denominations were organized or came to light. Of the 186 the Protestant denominations number 164; Roman Catholics, 1; Jewish, 1; Latter Day Saints, 2; Greek Church, 4; and 14 others are miscellaneous, such as Armenians, Buddhists, Spiritualists and Theosophists; 212,230 organizations have been formed, such as churches or congregations, an increase of 47,079 since 1890. The Protestant bodies increased 42,564, or 27.8 per cent, and the Roman Catholic, 2,243, or 21.9 per cent. The total number of Protestant organizations was 153,054, and of Catholic

10,239; and the remaining bodies were only 1,858, giving a total of 165,151. The total communicant membership of the churches was 32,936,445 as against 20,597,954 reported in 1890, an increase of 60.4 per cent. Of these the Protestant had increased from 14,007,187 in 1890 to 20,287,742 in 1906, while the Roman Catholics report a membership of 12,079,142 against 6,241,408. In all Protestant bodies the membership is practically of adults, while in the Catholic all baptized persons are included, even infants. To make the figures more nearly comparable 15 per cent has been deducted from the Catholic membership to exclude those under 8 years of age. The total Protestant membership is 61.8 per cent of the total, and the Catholic 36.7 and all other bodies 1.7 per cent. In rank of numbers the denominational families stand in the following order: Roman Catholic, 12,079,142; Methodist family, 6,749,838; Baptists, 5,662,234; Lutherans, 2,122,494; Presbyterian, 1,830,558; Disciples, 1,142,354; Protestant Episcopal, 886,942; Congregationalists, 706,480; Reformed, 449,514; United Brethren, 296,050: German Evangelical Synods, 293,137; Mormons, 256,674; Evangelical Associations, 174,780; Greek Church, 129,606; Friends, 113,772; Christian Connection, 110,117; Jewish, 101,457 (heads of families only); Dunkers, 97,144; Adventists, 92,735; Christian Scientists, 85,777; Unitarians, 70,542, Universalists; 64,158; Mennonite, 54,798. The various smaller bodies fill up the total number of 32,936,445. It will be understood that in these figures some denominations are single, such as Disciples, Protestant Episcopal and Congregationalist, while others embrace several of the same class, as Methodist, Baptist, Lutheran and Presbyterian. The Catholics report the largest average of members to an organization, 969, while the average for Protestant organizations is only 104. Of the total Protestant membership 39.3 per cent are males, and 60.7 per cent females. In the Catholic Church, which includes all baptized persons over 8 years old, 49.3 per cent are males and 50.7 per cent females. During the last sixteen years on an average eight new churches have been built every day. The seating capacity of the Protestant churches is 53,284,445, much above the membership, while for the Catholics it is 4,494,377, much less than the membership. The value of buildings owned and used for religious worship, with their equipment, is $1,257,575,876, of which $935,942,578 was reported for Protestant bodies, $292,638,787 for the Catholic Church, and $28,994,502 for all other bodies. The total amount of debt reported was $53,301,-254 for the Protestants, $49,488,055 for the Catholics, $4,556,571 for

the Jewish congregations, and $705,066 for the remaining bodies. The debt represents 5.7 per cent of the total value of Protestant Church property, and 16.9 per cent for the Catholic Church. In twenty-nine states a majority of the members reported belong to Protestant bodies, and in sixteen to the Catholic Church, and in Idaho to the Mormon Church. The states in which a majority of the communicants are Catholic are New Mexico, 88.7 per cent; Rhode Island, 74 per cent; Montana, 73.1 per cent; Massachusetts, 69.2; New York, 63.6; New Hampshire, 62; Nevada, 66.7; Arizona, 66.2; Louisiana, 61.3; Connecticut, 59.6; California, 58; Vermont, 55.9; Maine, 53.3; New Jersey, 51.5; Wisconsin, 50.5; and Michigan, 50.1. In Georgia, Mississippi, Alabama, Virginia and South Carolina a

COMMUNICANTS OR MEMBERS: 1906

Denomination	*Number*	Increase over 1890		Rank of Denomination According to		
		Number	*Per cent*	*Number*	*Increase over 1890*	
					Number	*Per cent*
Roman Catholic Church	12,079,142	5,837,434	93.5	1	1	4
Methodist bodies	5,749,838	1,160,554	25.3	2	3	20
Baptist bodies	5,662,234	1,949,766	52.5	3	2	11
Lutheran bodies	2,112,494	881,422	71.6	4	4	6
Presbyterian bodies	1,830,555	552,704	43.3	5	5	13
Disciples or Christians	1,142,359	501,308	78.2	6	6	5
Prot. Episcopal Church	886,942	354,894	66.7	7	7	7
Congregationalists	700,480	187,709	36.6	8	8	14
Reformed bodies	449,514	140,056	45.3	9	9	12
United Brethren bodies	296,050	70,769	31.4	10	14	17
German Evangelical Synod of North America	293,137	105,705	56.4	11	11	8
Latter Day Saints	256,647	90,522	54.5	12	12	9
Evangelical bodies	174,780	41,467	31.1	13	16	18
Eastern Orthodox Churches	129,606	129,606	21,501.0	14	10	1
Friends	113,772	6,564	6.1	15	21	22
Christians (Christian Connection)	110,117	6,395	6.2	16	22	21
Dunkers or German Baptist Brethren	97,144	23,349	31.6	17	18	16
Adventist bodies	92,735	32,244	53.3	18	17	10
Church of Christ, Scientist	85,717	76,993	882.5	19	13	2
Independent churches	73,673	60,313	415.4	20	15	3
Unitarians	70,542	2,793	4.1	21	23	23
Universalists	64,158	14,964	30.4	22	19	19
Mennonite bodies	54,798	13,257	31.9	23	20	15

United States Census Bulletin, 103, page 16.

majority of the communicants are Baptists. The highest percentage for Methodists is 45.5 in Delaware; for Lutherans, North Dakota, 37.7; for Disciples, Kentucky, 15.9; for Congregationalists, Vermont, 15; and for Episcopalians, the District of Columbia, 10. The percentage of church membership to population has increased since the last religious census. It was 32.7 per cent in 1890 and is 39.1 in 1906. The Protestant bodies increased 1.8 per cent and the Catholic 4.4 per cent, and all others one-tenth of one per cent.

As to the services of the church, as such, in the movements to improve the physical and economic condition of the poor in our cities and of the operatives in our industries, a just and deserved criticism will leave much to the credit of the most enduring and widespread of all social institutions, whose very antiquity and universality indicate the deep and powerful hold it has upon mankind in spite of temporary ebb and flood of interest, and the blunders and sins of its representatives. Just and deserved criticism is always needed to awaken the leaders of the church to a sense of their duty and opportunity, and no real friend of religion will take offense at such criticism. Even ignorant and prejudiced assaults may have wholesome effects.

Ray Stannard Baker* has voiced the criticism of many fair men who really wish the church could see more clearly and take more deeply to heart the call of the age to help. He shows that wealthy Americans, even when leaders in the church, are giving much more largely to public health and education than to the churches. But this is rather an evidence of the reality of religion in life than an objection, in so far as these wealthy people manifest their faith by good deeds. Certainly this is precisely what religion ought to do and what the critics of the church insist they should do. Is it a mark of the decadence of the church that many of the most powerful men and women in its membership thus distribute their surplus wealth for the benefit of their fellow men?

Mr. Baker cites Strong's Social Progress to prove that most of the churches are using more in proportion of the money collected on themselves, less on benevolences.

Denomination	*Benevolences per Capita*		*Home Expenses per Capita*	
	1893	1905	1893	1905
Baptist, regular . . .	$1.15	$0.65	$2.06	$3.01
Congregational . . .	4.88	3.24	13.16	13.54
Methodist Episcopal . .	.85	1.04	5.62	6.21
Presbyterian	5.14	4.71	12.52	12.35

* The *American Magazine*, Sept., 1909, p. 439 ff. This article is cited as typical because its writer is known to have a profound moral purpose in what he writes and because he is an earnest supporter of church work and desires to see it more effective.

It is difficult to explain these figures. But do they prove what the critic thinks? Anyone familiar with the methods by which church members contribute to philanthropic associations and movements knows that comparatively little of these gifts pass through the hands of church treasurers; most is paid directly to the treasurers of the charitable, philanthropic, educational and other public societies and thus is never recorded on the church books nor enters into church statistics. During the period 1893 to 1905 these appeals for worthy movements and institutions have grown more numerous, until now the requests come to every person of means by the hundred or thousand. In some cases the benevolence of a wealthy person requires the service of a special secretary to make inquiries and sift the useful from the false. Since, probably, the great majority of wealthy contributors are active members of some church, their contributions to outside objects should in very great part be credited to the influence of the church, not used as a sign of the decadence and neglect of the institutions which seek to keep alive and intense the spirit of sacrifice and devotion. Mr. Baker justly praises the social settlements for their immense and valuable service to the physical, economic and educational interests of urban populations; but if we should take away from these the money and the workers brought into this noble service from incentives originating in the churches, they would be poor and feeble in comparison with their present flourishing condition. The settlements are not an evidence of the failure but of the success of the churches.

It could be shown that the members of the churches have on principle ceased to give much to the churches in order that they might be able to give to philanthropy. This is to their honor; they seem to be learning the truth in their Master's words: He who loses his life shall find it.

Mr. Baker praises the settlements, and particularly one of them, for being self-governing. This is a valuable element in any institution or movement; but it is not new. All the most popular churches are practically governed by the members and administered by persons elected by the people. Even in the hierarchical denominations no leader who is unsatisfactory to the people can remain in his position, because in the United States the church receives no income from the government and is entirely dependent on the voluntary contributions of the members.

Mr. Baker makes the most serious indictment of the church when he comes to political movements. "Consider any one of the

movements in New York where there is vision and power and faith, where people are living their beliefs,—the child-labor movement, tenement house reform, the agitation for playgrounds—and rarely has the church played any great part in the work; the church has not felt the new social impulse in religion." He cites one of the richest churches in New York which opposed tenement house reform; he mentions the refusal of churches to take part in the abolition of slavery before the Civil War. "And today the most powerful defenders of the predatory rich have been . . . churchmen. When the problems of municipal corruption arose for solution, the churches, almost without exception, raised no voice, had no faith." This is a severe judgment; in some degree it is just,—but not wholly. There is another side. It is not quite true that "the church has not felt the new social impulse," and we shall give many facts to show how far this new impulse has taken possession of the organized religious forces of the country. So far as the criticism is just and true, no friend of the church should apologize or condone; the best answer to such objections is better service, more intense zeal, and more efficient ministry. That the churches are not so negligent or so inefficient as is often claimed may be made apparent from the facts which are to be presented as impartially as possible.

Public Opinion in the Churches in Relation to Their Social Obligations

Action in large bodies follows the formulation of ideas by competent and influential leaders. It must be our first task to show the direction of thought in the case of typical representatives and responsible councils and legislatures of the principal denominations. Among the noble men who have, as laymen, helped most to inspire and direct the American churches in wise ways of service, the name of Robert Treat Paine, of Boston, should be mentioned. The point of view is here presented in the words of his letter to the author:

"Preventive agencies and methods have indeed supreme interest for every Christian man and for every intelligent American. How can preventive agencies be made most efficient and helpful? First, chiefly by enlisting the interest and securing the aid of all good men and women. I am a great believer in the efficacy of a paid staff of trained experts, but for a Christian community to neglect its own personal duties and leave work of this kind to be done by other trained employes is neglect, abandonment, desertion. The Christian

and altruistic energies of good people must be supplemented by the help of all trained experts—both must co-operate and unite.

"The tendency of experts is too much to magnify the importance of their own work, their methods and their own precision of action, and they are too apt to belittle the value of helpful aid of impulsive and perhaps inaccurate volunteers. The influence of affection and sympathy is often and usually more competent and potent than all the precision of accurate rules. The excellent work growing out of the probation system is just about to be enlarged and improved by what is called the 'Big Brother Movement.'"

The new view of church life is expressed very forcibly in this statement of a particular organization, similar to those found in other denominations: "The Baptist Brotherhood is not a new society, but a federation of existing organizations, such as Bible classes, leagues, and brotherhoods within the Baptist church. . . . In the Manual of the Baptist Brotherhood, published by the American Baptist Publication Society, it is stated that 'the plan is to promote local organizations through Brotherhood councils appointed at men's conferences in connection with the regular anniversary gatherings of the churches, and then to federate these along state, provincial and sectional lines under supervision of the general councils appointed by, and auxiliary to, the several conventions of the Baptists of North America. . . . Each local organization is left to initiate such plans and emphasize such features as the local conditions seem to require. The bond of federation is the declaration of purpose. The usual form of this purpose clause is as follows: The purpose of the Brotherhood shall be to promote the organization of men in our churches and congregations with reference to spiritual development, good fellowship, social betterment, civic and commercial righteousness, the reinforcement of the church, the evangelization of the world, and the brotherhood of men in Jesus Christ. . . . The active work of the brotherhood is under the direction of eight permanent committees on Organization, Fealty, Devotion, Education, Fellowship, Citizenship, Finance and Athletics. These committees, having for their chairmen the Vice Presidents of the Organization, are intended to be the means of stimulating the different chapters of the Organization to activity along their several lines, through the distribution of literature, through addresses and in every other way possible. . . . While these chapters are accomplishing a vast amount of good within the church, in the way of promoting good fellowship, Bible study, missionary and educational interests of all

kinds, the social question is paramount; complex problems of life and labor demand solution. They confront the church and her continued leadership depends upon the answer she gives. Future blessedness is a glorious hope, but social regeneration is a present necessity. The final test of religion will not be getting men into heaven, but getting heaven into men. The Kingdom of God on earth is the vision of the Brotherhood, and its immediate business is to translate the teaching of Jesus into something of economic worth, to express the message of the church in terms that can be understood by an industrial age and to make the church a moral and ethical force in the community life. It bases its appeal, not upon the hope of reward, but upon the opportunity for service. The Son of God goes forth to war against industrial oppression, unsanitary housing, official corruption, ignorance, intemperance, impurity; disease and poverty and crime."

The attitude of the great Congregational Church is authoritatively presented in an article in Bliss's Encyclopedia of Social Reform, 1908, on page 273. Speaking of the Congregational Church and Social Reform, Professor Graham Taylor says: "In the adjustment of church life and work to the changed social conditions in city centers and large towns, the Congregationalists have been foremost. The so-called 'institutional churches,' which by corporate effort and organized agencies seek to Christianize conditions of common life, have been from the first and still are found in the Congregational fellowship. The contemporary sociological movement in life, literature and education, has found no quicker and more practical response than in Congregational theological seminaries. While Harvard was the first to offer social ethics as an elective course to its divinity students in 1880, Andover introduced the same in 1887; Hartford prescribed sociology as necessary to graduation in 1880; Chicago established an entire department exclusively devoted to sociological training in 1890 and Yale a distinct professorship in social ethics in 1894. In Iowa college, likewise, a department of applied Christianity was founded. In connection with three of these seminaries social settlements have been successfully inaugurated—the Andover House, now the South End, in Boston, Chicago Commons, and the Hartford Settlement. Among the foremost specialists in sociology and social economics a notably large proportion are Congregational professors and ministers.

"In 1891 the National Council of the Congregational Churches appointed a labor committee, afterward called the Industrial Committee, to designate its broader and more impartial function, to

inform and interest the churches in the social and moral phases of industrial conditions and relationships; and, as opportunity offered, to apply to them Christian ideals and spirit. The action was taken at the suggestion of the Standing Committee on Labor Organizations of the Massachusetts General Association. The appointment of similar committees has been initiated in the association of other states to serve as auxiliaries to the Industrial Committee of the National Council to these ends:

"To help toward a better knowledge of industrial conditions and of the spirit of the churches, especially in their own locality.

"To come into sympathetic relations, as far as possible, with labor, organized and unorganized.

"To help just and wise movements among workingmen, which means physical, social and moral betterment.

"To seek affiliation with humanitarian and religious bodies having similar ends in view.

"To keep the Labor Committee of the National Council informed as to the conditions found and the efforts made to promote the well-being of the industrial part of the community.

"In exemplification of these aims a joint meeting of members of the Trades and Labor Assembly of Des Moines, Iowa, and of the National Council was held at the call of the former, when the latter body met in that city, in October, 1904, and representatives of the assembly also addressed the Council by special invitation.

"The vital relation of the industrial situation to the spiritual problem of the churches is thus recognized in the latest published report of the Industrial Committee to the National Council: 'Your committee has a two-fold conviction out of which issues an inference vital to the spiritual problem of the churches.

"First, that this question has come to stay; that it cannot be blinked or waived aside; that no amount of religious activity or of practical religious helpfulness can solve it; that nothing short of justice by and justice to capital and labor alike can reach the case.

"Second, that only by the principles of the Gospel—its ethics, its love, its law of respect for every human soul as a Son of God, and a brother of Jesus Christ, and its foundation stone of sacrifice—can the ends properly sought by all true employers and workers be attained.

"The Committee on the Family has for many years kept the Congregational churches abreast of the best literature and movements

for the protection and promotion of the highest family life. Its reports to the National Council on marriage and divorce, sexual purity and the nurture of child life have become valuable contributions to that literature. Its efforts have been made to invest the Congregational Sunday School and Publishing Society with the function and equipment of promoting, especially through its home department, all these interests of the home by investigation, publication, and practical methods of teaching and applying Christian ideals and ethics to the relationships and obligations of family life."

An undated announcement of the American Institute of Social Service which was organized from the church as center, says: "Each people has something to teach every other people, and something to learn from every other. These institutes are intended to serve as centers for gathering and distributing information concerning the methods by which different peoples are dealing with problems common to them all. As a Japanese said to us, 'civilization is common property.' If each nation repeated the successes of others and avoided their blunders how much more rapid would be the world's progress in civilization; and if each nation's experience, which has been costly in time, money and suffering, could be more available for all, how greatly would the cost of human progress be reduced.

"With a view to promoting these great ends Mr. James Dangerfield, of the British Institute of Social Service, and Dr. Josiah Strong, of the American Institute of Social Service, propose to undertake a trip around the world to organize institutes in every land where the interest and co-operation of the people are such as to promise the success of the enterprise. They expect to start in the autumn of 1909."

The Institute is ready to distribute information on the following subjects:

The City. Planning a city. Public parks, public baths, public comfort stations, public playgrounds, sanitation, garbage disposal, sewage disposal, street cleaning, city slums, housing, tenements, crowding, wash-houses, lodging-houses, juvenile courts, municipal ownership.

Education. School gardens, school hygiene, kindergartens, University extension, vacation schools.

The Family. Divorce, dependent and delinquent children, the curfew, mothers' clubs and child study, household sanitation.

Industry. Industrial betterment, industrial accidents, safeguarding machinery, child labor, relations of capital and labor, the

open shop or the closed shop, trades unions, strikes, the unemployed, free employment bureaus, profit sharing, old-age pensions in private industries, co-operation, lunch-rooms for employes, the social secretary, sweatshops.

Philanthropies. Organized charities, child-saving, fresh-air work, boys' clubs, boys' reformatories, day nurseries, social settlements, working girls' clubs, visiting nurses, the Red Cross society, employment for the blind.

Miscellaneous. Gambling, intemperance, prostitution, age of consent, prison reform, co-operative banks, penny provident banks, mutual benefit associations, good roads, village improvement, recreation centers.

The "Selective" Influence of Churches

Mr. Charles Booth* has called attention to a generalization made on the basis of his studies in the English metropolis,—that church influence is selective.† The church collects, but it also dispenses; it attracts some, it repels others. The principle deserves analysis in connection with our theme. The religious societies form very strong bonds among those who accept their ideals and standards, but they also make outcasts and pariahs of those who sin. For example, if a young man of reputable family in a church-going community of Protestants becomes a gambler or a saloon keeper he soon loses his former friends in the church. He is not invited to their homes nor to the sociable assemblies of the congregation. If he attends church occasionally, it is to feel that all eyes are upon him in scorn, and the sermon is very apt to sting and burn the mind. He parts company with former companions and friends, and is conscious that he rests under their disapproval.

But companions and social recognition every human being must have, as surely as air and food. Isolation kills. So the outcast must either humble his pride, confess his wrong and return to the ways of his parental church, or defy his teachers and friends and find hale fellows in the saloon the den, the race course, perhaps in a gang of vagrants or petty thieves. Some such a course often begins so early

* In his Life and Labour of the People of London. London, Macmillan and Co., 1892–97. Vols. on Religious Influences.

† In the primitive church this was noticed, Paul speaks of the Gospel as a "savor" of life or death, according to the attitude of the hearers.

in youth that the full consequences of the choice are not foreseen; it is entered upon before the moral judgment is informed by wider experience of life.

One problem of the church, therefore, is to win back its outcasts without lowering its moral standards; for its mission of moral purgation demands that it hold sternly to its requirements and even extend them to rich sinners.*

Perhaps the Protestant church can create in some way a kind of neutral zone, like the belt of land between Spain and the English garrison at Gibraltar, where a mediating process can go on. It must send out videttes or scouts for exploration. It must have quarantine stations in the ports of entry to disinfect the smirched and diseased and prepare them to live comfortably in good company. But the very effort to do this, of course, is likely to excite anger and hatred. Even men far gone in crime dislike intensely to be treated as inferiors. They have their own views of life values; a vast gulf yawns between the church and the underworld.

Fortunately there are some bridges and fords to help the reconciliation. Nowhere so quickly and easily as in the United States, perhaps, is the past forgotten. There are so many places for a man to make a new start far away from old associations of temptation and of disgrace, and there is only too much good-natured tolerance of unknown men. Most of the men who have wandered morally are still young, and the public is lenient to those who "sow wild oats." Let the erring lad go West or far from home and be industrious and the chances are that few questions will be pressed upon him. Years of steady living will regain confidence. "Sowing wild oats" has been a stage in the life of many a useful citizen. Curiously enough "converted gamblers" are in request as "evangelists" even when not yet free and clean from their old faults. But the best results are won by quiet work, by unnoticed transition back to the good old way, not by spectacular confessions.

The relations between the churches and the National Conference of Charities and Correction and the American Prison Association are significant. Both of these national assemblies of persons engaged in philanthropic reformatory and preventive work devote one of their sessions, on the Sunday spent in the city where the Congress is held, to an act of public worship attendance upon which is entirely voluntary, and no one is criticized for absence. The local committee of arrangements, co-operating with the officers of the national organiza-

* Ross, E. A.: Sin and Society. Boston, Houghton, Mifflin and Co., 1907.

tion, have an understanding with one of the largest churches to meet on Sunday in the place of worship and the pastor or some other minister preaches an appropriate sermon which is afterwards printed in the volume of proceedings. The churches are quite generally represented in the committees which conduct the discussions of these congresses, and perhaps a dozen, or more, members of these associations—laymen and women—speak in as many pulpits on the Sunday of the week of the annual meetings on the subjects of the conference.

In some states where there are state boards of charities and correction there is considerable co-operation with the representative societies of various churches; and some of the state boards act with the pastors and other ecclesiastical leaders to help educate the public in relation to modern principles of reformatory and preventive measures.

The denominational journals are usually ready to publish articles on these subjects and thus prepare the minds of the people for improvements and active service. The agents of the societies for aiding prisoners and their families make appeals for funds through pulpits, ecclesiastical conferences and religious newspapers; and there is every year a more sympathetic and intelligent response.

The national societies of charity and correction, the local prison societies and the state conferences have urged upon the pastors the advantage of setting apart once a year a "Prison Sunday," on which day the minister preaches a sermon on the duties of Christian people in relation to the delinquent portion of the population. From all the reports we have been able to gather it would appear that the request has been more and more heeded and "Prison Sunday" has become a considerable factor in educating public opinion and securing financial resources for the work of prisoners' aid societies. Very often the pastors are supplied with printed information which aids them to present the subject more accurately and effectively to the congregations. They seek to attract those who are tempted to vicious indulgence away from their dangerous enjoyments and furnish them with wholesome pleasures and ennobling associations.

The influence of religion, as represented and made effective by church organization, has been affirmed by numerous competent writers, among them Mr. Eugene Smith, who says:

"To properly estimate human progress, the comparison of two successive decades or two successive generations gives too close a perspective. Turn back to the beginning of the present era when our

ancestors were in the primitive state of barbarism. Then human life was valued lightly, property was insecure, cruelty and unbridled passion and the strong arm dominated the race, and crime was well-nigh universal. Among us, the descendants of this lawless race, crime has been reduced until it is reasonably certain that our criminals, giving the term its most comprehensive meaning, now constitute a fraction of less than one per cent of the population. Few traces of our descent are recognizable. Our land is dotted all over with hospitals and dispensaries, asylums and homes, schools and churches; there are countless philanthropic and benevolent agencies ever ready to extend a helping hand to the weak and tempted and to lift up the fallen. No man can now assert that necessity drives him to crime as his only resource. Our whole social environment and public opinion have ostracized vice and crime and driven them to cover where they can be practised only by stealth. Never before in the history of the world have life and property and all legal rights been more securely protected against lawless invasion.

"It is not difficult to trace the source of this vast and beneficent development. It is the leaven of Christianity that has pervaded and vitalized all this moral evolution. The teachings of the Gospel have moulded that healthy public opinion which believes in righteousness, which condemns vice and every immorality, which is the sheet-anchor of the law. The spirit of the age, charged with ideas and sentiments that Christianity originated, unconsciously shapes the thought and inspires the conduct of many humanitarians and philanthropists who hold themselves aloof from Christianity and even reject its doctrines. If the claim here made, that the Christian religion is the source and support of our system of law and order, seem exaggerated, in what non-Christian country, I ask, are life and property secure and individual rights protected as they are among Christian nations of the world?

"In the last analysis, the question of the increase of crime is a question of the supremacy of Christianity. If the Christian religion decline and its force weaken, crime will inevitably increase; if the principles and the spirit of Christianity gain added power in the life of the nation, crime will as surely decrease. A Christian faith which looks forward with confidence to the ultimate triumph of Christianity can hardly fail to expect a progressive decline of crime and in the far future its final extinction."*

*Sixty-fourth Annual Report of the Prison Association of New York, 1909, pp. 78–79.

Institutional Churches*

The term "institutional" is of recent years applied to those parish churches which have been planted among the crowded and poor populations of cities and have equipped their parish buildings in such a manner that they can minister more effectively to the physical, economic, social and educational needs of their neighbors. Many of these churches and missions have equipments and daily programs very similar to those of settlements already described, and in a few cases they call themselves social settlements; but they are distinguished from these by providing for public worship, religious instruction, and positive efforts to awaken the religious nature of men and they are usually related to a particular denomination.

One of the most successful and well equipped churches of the type popularly called "institutional" is that of the parish of St. George, in New York City. Few others are so highly developed or richly provided; but it illustrates the tendency.†

On Feb. 2, 1906, the vestry of St. George's accepted the resignation of the Rev. William S. Rainsford as rector. In the testimonial on that occasion adopted by the vestry these words were used: "When he assumed his charge the church was practically without a congregation; with limited facilities for parish work; with small endowment and with a reputation in the diocese that was little more than a tribute to a memorable past. He lays down his charge after twenty-two years of exhaustive labor, impaired in health by the burden of the care of seven thousand souls; with the Endowment Fund increased by three hundred thousand dollars; with a parish building complete in accommodation and equipment, and which is a model of successful and useful operation; with a Deaconess House, a Trade School, and a Seaside Cottage; with an official force of twenty men and women; an army of volunteer workers unsurpassed in numbers, intelligence and devotion; and with a reputation acquired for the parish as extended as American Christianity."

The book mentioned above is devoted to a description of the administration of St. George's Church. In the Introduction Dr. Rainsford writes:

* Judson, E.: The Institutional Church, New York, Lentilhon and Co., 1899; Hodges, G., and Reichert, John: Administration of an Institutional Church, New York, Harper and Bros., 1906; also reports and year books of various churches of this kind.

† Hodges, George, and Reichert, John: Administration of an Institutional Church, New York, Harper and Bros., 1906.

"1. We gave our very best to the little children and they grew in time to be men and women thoroughly attached to the church which has sought them out.

"2. We gave to everyone who was willing to do any sort of work for setting forward the Kingdom of the Lord Jesus an opportunity to do it; and whenever possible we gave them the work which they *liked* to do.

"3. We sought carefully for capable men as assistant ministers. We made them free of the parish; gave each of them all conditions of men and women to visit, rich as well as poor.

"4. We have had the invaluable support of a devoted band of trained deaconesses, living in community, leaving the parish seldom and serving for long terms.

"5. And, lastly, we have been ever and always supported and advised by such a vestry as few churches have known." Say the authors: "An institutional church is like a business house in its use of two essential elements of executive success. The first of these is the centralization and the second is the distribution of authority. The small company of responsible persons by whom the work is governed is divided into two groups—one charged with the temporalities, the other with the spiritualities. The group which directs the temporalities is the corporation; the group which directs the spiritualities is the staff."

We note among the wardens the names of James Pierpont Morgan and John Noble Stearns; among the vestrymen, R. Fulton Cutting and Seth Low.

"The staff of seven men and six women, all of whom receive salaries, is composed of the Rector, four assistant ministers, the Rector's secretary, the organist, three deaconesses, three parish workers, one of whom is a trained nurse, and the branch secretary of the Girls' Friendly Society. All of these persons give their entire time to the work of the parish."

"The duties of an assistant are (1) calling, of which he does a great deal, on rich and poor alike; (2) represent the Rector in some organization, as the trade school. Then he meets a board of directors, a number of supervisors, a corps of salaried teachers, and three hundred boys and young men. He is to come into acquaintance with all these persons, to advise with them if they desire, to help to maintain the spirit of enthusiasm and loyalty, but to hold no office. He is to bring new volunteer workers to take the place of those who fall out, and to get in new boys for the Sunday school. (3) To have a

class or a department in the Sunday school, with frequent changes of task that he may become thoroughly trained. (4) Clergymen on duty at stated intervals.

"The gates of the church stand open, like the gates of the New Jerusalem. By the door, in the yard, is a sign bearing the invitation, 'Church Open—come in, rest and pray.' The church is thus at the service of the people all the year round, from 8 A. M. until 5 P. M."

All facts of interest to the parish are kept with minute accuracy. The Parish House is maintained not only as "a place for the Sunday school and other classes, but a 'palace of delight' where young people play games or read or dance or listen to music."

Work with boys includes the Trade School and the Battalion Club. With girls, the Girls' Friendly Society, the King's Daughters, the Sewing School.

Men and women: the Men's Club, the Gymnasium, the Married Women's Society, the Mother's Meeting, the Happy Home Club, the Sunday-afternoon Club, the Dramatic and Literary Society.

Perhaps the most notable features of the church are the complete organization and the vast range of interests to which it ministers. The care of the poor is not neglected.

The most general and popular form of social activity of the churches for preventive work is in the field of *temperance* reform. It was ecclesiastical leaders who first realized the physical and moral evils wrought by the excessive and almost universal use of the fiery alcoholic beverages early in the nineteenth century and later.*

The organization and requirements of the juvenile courts have opened up a new and suitable field for the wise and patient activities of church societies, and a good beginning has been made. The Roman Catholic societies for children have always been prompt to respond to the requests of judges to look after neglected and wayward children of that faith. The Protestant societies have also been energetic; but the connection of these with church authorities and institutions is rarely close and evident, since these associations are composed of members of all Protestant denominations and are entirely independent of ecclesiastical control.

Another wide field of co-operation in preventive work has been opened in American cities since about 1880 by the associations called "Charity Organization Societies," having different legal titles in different cities, but all in a circle of good understanding by correspondence and by annual meetings with the National Conference of

* The various aspects of this temperance reform are discussed elsewhere.

Charities and Correction and with the state conferences of charities and correction. It is in the "friendly visiting" directed by these societies that the affiliated and co-operating churches discover their opportunity of having direct contact with the extremely poor and the sadly tempted residents of crowded cities. In the city of Buffalo the C. O. S. is most directly and manifestly based on the principle that each strong church, whether Catholic, Protestant or Jewish, should be responsible for philanthropic effort within a designated district, so that all the parts of the city where the less fortunate populations reside may be covered with a network of agencies. While many cases of suffering are overlooked and visitors are not always prompt and efficient, this experiment has at least some good fruits; it has kept the miseries and perils of the poor before the ministers of religion whose parishoners live, as they do, in luxury and comfort, and can easily forget the very existence of squalor and base moral depravity unless reminded by some such systematic and regular canvass of the less pleasant quarters. The model and inspiration for such parish district effort was found in the famous example of Thomas Chalmers in Scotland and in the success of the "Elberfeld System" of German municipalities.

In other cities of the Union the districts are not organized on a parish basis, but the voluntary visitors are sought wherever they can be found with zeal, intelligence and aptness. Even under such conditions, the churches, through committees on benevolence, very generally co-operate with the central association, asking information from its records, furnishing facts and offering personal service as well as financial aid.

The preventive work of the Young Men's Christian Association, Young Women's Christian Association and kindred societies,—as the Unitarian,—is important enough to deserve attention. Until recently these organizations have confined most of their efforts to employes in mercantile establishments, clerks, salesmen, and to railway employes. Of recent years a very distinct movement has been started to push work vigorously on behalf of boys and young men on the edge of the "folk swamp." Their labors for the legal protection of immigrants have already been noticed; here we have to present the labors on behalf of the character and spiritual welfare of the tempted and morally imperilled.

"Every battle ship," says the January, 1909, *Philanthropist*, "and every army post of appreciable size has its Young Men's Christian Association. The men of the army and navy present a fertile

field for educational effort. In some of my conferences with the men of the navy I have been greatly disturbed not so much with the viciousness, but the fallacies of the young men with reference to the so-called sexual necessity. These young men are exceedingly frank in their confession of sexual vice. There is no class, in my judgment, so greatly tempted. On board ships among their number are found degenerates, professional sodomites; the scarlet woman frequently solicits them boldly on board ship as soon as it is available for visitors, leaving their cards of destination. Ship surgeons give unwholesome advice, and vendors of patent medicines for venereal diseases reap a rich harvest of profits from confiding victims. These young men of the navy welcome help. The establishment of physical departments in the naval branches of the Young Men's Christian Association of Brooklyn, Norfolk and the Philippines with Christian physicians in charge will aid much in giving counsel and instruction.''

In order to lay foundation for permanent educational and moral enterprises the national officers of the Young Men's Christian Association and the Young Women's Christian Association have instituted inquiries into the social conditions surrounding and affecting young people in city and country.

In 1907–8, 125 Young Men's Christian Associations conducted classes in English for foreigners; 39 associations conducted classes for foreigners in United States history, civics, or gave stereopticon lectures on American patriots. Twenty-seven hundred non-English-speaking foreign-born men were enrolled in classes organized by association men. Special classes for foreigners are conducted in association buildings as a part of the regular evening school work. Groups of men in a given neighborhood are learning English; outside of the buildings, for example, in shops at noon, as a branch of extension work. A kindergarten for children of foreigners is being conducted by one association in a public school building. Separate headquarters are maintained for a given nationality, with a man and his wife as workers, to teach English, give counsel, assist in correspondence, help in securing naturalization papers, conduct socials, etc., as in settlement work.

Some school boards have given the Young Men's Christian Association the use of school buildings with light and heat, and it gives instruction to foreigners. Affiliated organizations outside of the building, having their own office and conducting educational classes at their own expense, have the supervision of the association. Associations co-operate with various denominational agencies in

their missions, or with social settlements by furnishing leaders for gymnastic recreation and teachers for classes in English. Institutes are held for men who are willing to go out to teach English or civics to the foreigner. Institutes are also held for men of a common occupation, in which practical talks on phases of their work are given. Illustrated talks are given on American history, citizenship, patriotism, etc., showing the nature of our government, republican ideals, and the lives of such men as Washington and Lincoln. Social gatherings are held, appealing to the spirit of nationality, such as carnivals of nations and folk dances.

Concerning the work of the International Committee of the Y. M. C. A. in protecting immigrants, Mr. Peter Roberts in a letter dated February 16, 1909, says that the committee has men at the ports of embarkation in Europe to direct the immigrants to the representatives of the association who await them on this side to render service free of charge in directing them to suitable boarding houses and advising those who are going inland of their representatives of the association who likewise will assist them. Inland the association has centers in the colonies where the foreigners live. Many raise their standards of living by reason of this influence. The need of halls for meeting places in the cities is also met by centers from which these people get new and better ideas of living. There are one hundred such centers in this country. They are not social settlements in the usual sense. The association seeks to arouse interest in the foreign population by calling the attention of the well-disposed people to them and their needs.

The aims of the American Brotherhood are thus announced by the International Committee of the Y. M. C. A.:

"1. To secure a sympathetic interest for the immigrants on the part of all Americans.

"2. To secure the co-operation of all—both native and foreign-born—who are conversant with American ideals and with our republican institutions, in the effort to lead all immigrants to a knowledge of the history, laws and institutions of our country.

"3. To encourage those who are interested in immigrants to study their history, traditions and customs, in order that the foreign-born may be better understood.

"4. To encourage immigrants of all nations to forget, in

* These facts are gathered from various pamphlets of the International Committee, Y. M. C. A.

America, their racial antipathies and jealousies, and work for a common brotherhood in the land of their adoption.

"5. To enlist the aid of all who are willing to give the immigrant a helping hand, in order that he may be given a 'square deal' in all the relations of life, and that he may have opportunity to learn what America gives to him and what he can give to America."

There are many societies for the protection of these people; such as the Italian Society for the Protection of Immigrants, Slavic Society for the Protection of Immigrants, etc. Mr. Roberts suggested that these be made uniform and co-operative throughout the Union.

Since the immigrants crowd the cities, under conditions which often tend to vice and crime, the attitude of the churches to them has become a serious national problem. An independent and competent student of the facts relating to foreigners has reached this conclusion:

"Since the year 1900 the Immigration Bureau has not inquired as to the religious faith of the immigrants. In that year when the number admitted was 361,000, one-fifth were Protestants, mainly from Great Britain, the Scandinavian countries, Germany and Finland. One-tenth were Jews, 4 per cent were Greek Catholics, and 52 per cent were Roman Catholics. With the shifting of the sources toward the east and south of Europe, the proportion of Catholic and Jewish faith has increased. During this transition the Protestant churches of America have begun to awaken to a serious problem confronting them. The three New England states which have given their religion and political character to Northern and Western States are now predominantly Catholic. In all the Northern manufacturing and industrial states and in their great cities the marvelous organization and discipline of the Roman Catholic Church have carefully provided every precinct, ward, or district with chapels, cathedrals, and priests even in advance of the inflow of population, while the scattered forces of Protestantism overlap in some places and overlook other places. Two consequences have followed. The Protestant churches in much the larger part of their activities have drawn themselves apart in an intellectual and social round of polite entertainment for the families of the mercantile, clerical, professional, and employing classes while the Catholic churches minister to the laboring and wage-earning classes. In a minor and relatively insignificant part of their activities the Protestant churches have supported missionaries, colporters, and chapels among the immigrants, the wage-earners and their children. Their home missionary societies, which in the earlier

days followed up their own believers on the frontier and enabled them to establish churches in their new homes, have in the past decade or two become foreign missionary societies working at home. Nothing is more significant or important in the history of American Protestantism than the zeal and patriotism with which a few missionaries in this unaccustomed field have begun to lead the way. By means of addresses, periodicals, books, study classes, they are gradually awakening the churches to the needs of the foreigner at home. Among certain nationalities, especially the Italians and Slavs, they find an open field, for thousands of these nationalities, though nominally Catholic, are indifferent to the church that they associate with oppression at home. Among these nationalities already several converts have become missionaries in turn to their own people, and with the barrier of language and suspicion thus bridged over, the influence of the Protestant religion is increasing." *

We add a few illustrations of associations which are closely related to the churches.

The Girls' Friendly Society† in America was organized in 1877. It has 487 branches and 5,848 associates and 23,714 members and probationers in the United States. The society as it exists in England and in the United States has for its object "to set before its members a high ideal of purity of thought, word and deed; to help them to be true to that ideal; to be standing witness to the possibility of purity of life and conduct for every woman and girl in the land; to guard the hundreds and thousands of girls who are growing up to womanhood from acknowledged dangers and to extend to them the boon of loving Christian fellowship in Christian work."

With regard to the Women's Christian Temperance Union, it is not necessary to repeat what has been said of the activity of the society in relation to alcoholic drinking. To a limited extent this society has sought to provide "substitutes for the saloon." ‡ The program of action, as outlined by the remarkable woman Miss Frances Willard, was very broad, because she saw quite clearly that all the causes of moral weakness and ruin are connected.

The editor in chief of the *War Cry*, the official organ of the Salvation Army, thus sums up the aim of the army: "Let me also

* Commons, John R.: Races and Immigrants in America. New York, The Macmillan Co., 1907.

† General Secretary, Miss Eva Alexander, 659 West Lexington Street, Baltimore, Md.

‡ See volume of Committee of Fifty on this subject. Houghton, Mifflin and Co., 1901.

observe that our methods are adapted to the needs of the people, and our success is very encouraging in every branch. For instance, to quote one specific case, with the large number of girls that pass through our Rescue Home, the proportion of success runs from 80 to 90 per cent. It is very difficult for us to reply to your inquiry as to the general success of our methods in preventing vice and crime. Our entire work is based on the salvation of the individual, believing as we do, that when the heart is right everything else will be right also. We have a great work among children which may be regarded as preventive work, and whenever we find opportunities of preventing an individual falling into vicious pursuits, we try to meet the need and save the individual." This is a characteristic and authoritative statement, showing at once the strong and the weak aspects of the Salvation Army work.

In all the cities both Catholics and Protestants have established agencies such as religious houses of refuge and the midnight missions, for sheltering wayward girls and women who show a disposition to escape from their ruinous way of living.

City "missions," for the rescue and reformation of men, are conducted usually by an incorporated board composed of members representing various denominations. It is a discouraging enterprise, because the men are usually habitual drunkards and need institutional treatment under prolonged control. We have no exact statistics of results. It would be impossible to follow up all who visit these halls. Yet multitudes of individual cases of reformation are known to those who are giving their lives to this service.

Roman Catholic Associations with Preventive Functions

The ancient Church has enjoyed in the free air of America a wondrous prosperity and has held fast to her best traditions of benevolence and mercy. We can give only a limited space to a vast subject.

From a recent article * we take a discriminating and informing description of certain aspects of Catholic social work in the United States. Illustrations might easily be multiplied.

"Religious communities of either men or women, such as are now under consideration, may be divided into three classes: (a) those which are devoted exclusively to social service, as caring for the aged poor, for fallen women, for the sick poor in their homes; (b)

* Kerby, William J.: Social Work of the Catholic Church in America. Annals of the American Academy of Political and Social Science, vol. xxx, No. 3, page 45.

those engaged in many kinds of work, including social work, as teaching communities, which also conduct hospitals, orphanages, etc.; (c) those whose main work is other than social, but who incidentally and in relation to their chief work do much in social service, as teaching sisters who visit the sick poor and distribute out-door relief. . . .

"It may be said, on the whole, that the Church's social work is directed more toward effects than toward causes; toward personal action on the individual rather than on social forces; toward the spiritual more than the temporal. The Church is quick and tender in caring for the aged poor, yet she is not conspicuous in demanding old age pensions; she is watchful of the morals of children and tireless in instructing them, yet not in advance in dealing specifically with tenement problems; she is sleepless in caring for orphans, yet not particularly aggressive in compelling employers to cover dangerous machinery or in asking society to make stringent laws concerning occupations harmful to health; she is first and strongest in defending the sanctity of the home, yet not remarkable for work in favor of sanitary housing. . . .

"The agents of reform exhaust every resource before they permit the breaking of the family bond and consequent disintegration."

The writer says that the close organization of the church is favorable to the spread of knowledge of any distress in the community.

"As their co-ordination is an important factor in the Church's equipment, an illustration well-known to the writer may be cited: A lay organization, the St. Vincent de Paul Society, took the initiative in founding a summer home for poor children near Baltimore. It is one of a number already begun by the society. A teaching community of priests, the Sulpitians, placed fifty acres of woodland, with fine buildings, at the disposal of the society. Sisters of Charity conducted the home for the first summer, Sisters of Mercy for the second, in 1807. Bands of 125 children are chosen and collected by laymen and brought to the home for a twelve-day visit. All acute cases of illness occurring are cared for at a nearby hospital conducted by the Sisters of Charity, sisters, physicians and nurses giving services gladly. All chronic cases of any kind and defects in senses, etc., discovered while the children are at the home are taken up after the children leave and treated to successful issue in the City Hospital, conducted by Sisters of Mercy. Some twenty Catholic organizations in the city, the clergy and numbers of laymen to whom the work appeals, contribute generously. . . . Cases of distress or want in the homes of the

children which come to the notice of the administration are taken up at once by the St. Vincent de Paul Society. Over seven hundred children are received during one season.

"The fundamental problem in social work is the family. There are agencies of relief at hand to serve it and its members. Many societies, both religious and lay, seek out and visit the homes of the poor, nurse the sick, instruct and stimulate all who have need of such aid. Religious communities of all kinds do immense service in distributing out-door relief and bearing personal ministration to the home, likewise lay associations, chief among which is the St. Vincent de Paul Society. Its rule tells us, 'The work of charity is foreign to the society, although its special object is to visit poor families.' Whatever the agent that acts, hospitals, orphan asylums, homes of preservation are at command when any of them are needed to meet an emergency. Through action of both religious and lay associations, neighborhood classes are formed for cooking, sewing, basket-work and other pursuits much after the manner of settlement work. Day nurseries care for children of mothers who work; summer homes provide outings for children of poor homes; associations provide outfits for newly born infants and offer Christmas joys to the children who otherwise would never know of a Santa Claus save as a dream. Employment bureaus are operated in connection with many associations; sometimes we find successful endeavors to provide temporary loans or carry a long-standing insurance policy which otherwise would be lost. In larger cities, homes for destitute children, newsboys, homeless boys are found. In the main orphans are cared for in asylums conducted by sisters. Effort is usually made to place the children early in carefully selected homes. . . . In many cases industrial schools succeed the orphan asylums. . . .

"Fallen women, either legally committed or voluntarily seeking reformation, are cared for in Good Shepherd or Magdalen houses conducted by sisters. . . . Children whose morals are in danger are taken into preservation classes and receive schooling and industrial training. Insane, feeble-minded, deaf and dumb are cared for by sisters in institutions. Homes for working girls are instituted. . . . Work among the colored people and the Indians is extensive. . . . Much is done with varying but increasingly hopeful results in the cause of temperance. Parish organizations are found in great numbers; children are pledged on occasion of first communion or confirmation to total abstinence; schools, colleges, academies have active temperance societies. . . . Local and diocesan organizations are

united in one great national movement, the Catholic Total Abstinence Union. . . . One thousand and thirty-eight societies are federated in the Union. . . .

"No records are available showing the range of social service of lay associations of men and women. The aggregate is certainly imposing. . . .

"On the whole, the traditions of social work in the Catholic Church are marked by a constant desire to let good works be known to God alone."

Jewish Associations

The Jews in the United States, in view of the hard conditions of life in the crowded cities, have made a strong effort to afford relief by securing a wider distribution of their co-religionists. The Industrial Removal Office* is one of these agencies.

"The large influx of Roumanian Jews into this country in 1900, as a consequence of the many restrictive laws of Roumania, brought the Industrial Removal Office into being. . . . The Industrial Removal Office was formally organized in 1901, and its benefits extended to all Jews, regardless of nativity. The chief aim . . . was then, as it is to-day, to distribute the immigrants over those sections of the country where economic and industrial conditions could best assimilate them. . . .

"In view of the fact that the relief of congestion can be accomplished by the removal of any resident, regardless of whether he be an immigrant or not, it was decided to extend the activities of this institution to include all classes of Jews, residents as well as immigrants. As a matter of fact, the bulk of the beneficiaries of the Industrial Removal Office belong to what may be termed the immigrant class, namely, those who have been in this country less than three years. The working apparatus of the institution are its agencies, which have been established in the large and important industrial centers of the land. . . . Since the work of the Industrial Removal Office is done with the great mass of Jewish population of New York City, efforts are being continually made to acquaint this mass with conditions throughout this country. Thousands of pamphlets, both in Yiddish and in English, have been distributed. . . . Exhibitions, also, have been held at various times, notably the one held at the Educational Alliance in the spring of 1907. . . .

* See David M. Bressler, National Conference of Charities and Correction, Proceedings, 1909.

"But experience has shown that propaganda, however thorough and wide-spread, which is limited to the Jews of New York, is insufficient. The Jewish discovery of America ought to be accomplished before the Jew boards the ship at the port of embarkation; and before the New York idea has gained too firm a foothold in his mind.

"An attempt in this direction has already been made by the Industrial Removal Office by publishing and spreading far and wide throughout Eastern Europe a sort of Baedeker guide to America in the Yiddish language.

"The diverting of Jewish immigration from the Atlantic seaboard to other sections of this country has been put into practice recently by the sponsors of the Galveston movement. Under the Galveston scheme, the arriving Jewish immigrants sail direct from Hamburg or Bremen to Galveston, with a view of settling in the cities and towns west of the Mississippi.

"The Industrial Removal Office has been in existence now for eight years. During this period it has distributed 46,513 men, women and children. In this number are included 2,943 families with a head, 2,768 families removed to join the head who had preceded the family, 1,724 married men whose families remained in New York, 8,728 married men, whose families were still in Europe, and 10,446 unmarried men, and all of them wage-earners."

Other benevolent activities of the Jews may be cited by way of illustration.

"In 1829 Jacob S. Solis of New York planned a Jewish orphan asylum, but not until 1859 was the first German Hebrew Benevolent Society established in New York; the asylum was opened in 1860. The Mount Sinai Hospital was established in 1852, and the Montefiore Home for Chronic Invalids in the early eighties. The Hebrew Sheltering Guardian Society was founded in 1879 by Philip J. Joachimsen of New York, and the Independent Order of B'nai B'rith Home for the Aged and Infirm in 1848. In 1855 the New Orleans Jewish Orphans' Home was founded, and the Philadelphia Hebrew Education Society in 1849. A number of hospitals, orphan asylums, and homes were founded by the Independent Order of B'nai B'rith throughout the United States, as at Cleveland in 1863 and at San Francisco in 1871."*

Dr. Lee K. Frankel† thus interprets the work of Jews for family life:

* A. M. F. in the Jewish Encyclopedia.

† Article in The Jewish Encyclopedia, Charity, p, 672, vol. iii.

"It is almost axiomatic that the care of Jewish families in their homes today is not a matter for public relief by the State, even in communities where public out-door relief is given. . . . The United Hebrew Charities and other benevolent societies in the United States give material relief to the deserving poor in the shape of money, clothing, coal, medicine, food, etc., and practically combine under one administration the duties of smaller individual charities which they have replaced. Many of these large societies conduct employment bureaus, loan bureaus, work-rooms for unskilled women, day nurseries, and dispensaries as adjuncts to their regular work. . . .

"In the United States the United Hebrew Charities of New York is the largest organization of its kind, disbursing annually upward of $130,000, and is representative of similar institutions throughout the country. It endeavors to give every form of material relief that may be required by its beneficiaries, and to supplement this relief by educational and preventive agencies. . . . Not only in the larger cities, . . . but in the smallest community where there is a Jewish population, similar organizations exist."

The following societies are mentioned in the American Jewish Year Book, 1908:

Arbeiter Ring (The Workmen's Circle), membership, 16,700; branches, 208.

Council of Jewish Women, membership, 10,000; sections, 77.

The Educational League for the Higher Education of Orphans, membership, 1645.

The Jewish Agriculturists' Aid Society of America, membership, 382.

The Jewish Chautauqua Society, members, 3,000.

Jewish Consumptives' Relief Society, members, 12,000.

The National Conference of Jewish Christians in the United States, members, 117 societies.

It has been impossible in this brief chapter to do more than give illustrations of the vast extension of the spiritual activities of voluntary associations and local governments in the United States and of the immense advance of the recent years. The rude frontier, with its return to primitive methods of justice, has nearly disappeared; the organization of constabulary and courts, of churches, schools and cultural associations have taken their place, save with the criminals, those savages who linger in all civilizations. Remarkable and symbolic is the fact that one of the most famous of American insti-

tutions of prevention, the Juvenile Court, has achieved some of its greatest triumphs in Denver, a city which has been built in power and beauty on territory which a generation ago was on the border of a great mining region, with all its harshness and rudeness.

L'ENVOI

This young Republic, still struggling with nature, is seeking with mighty energy and splendid ideals to transform the crude life of material prosperity and win for purest culture its most wayward and backward children and citizens. Its people, even in the throes of the Civil War, accepted as fundamental the principle of national unity; and they now aspire to enter into the spiritual heritage of the science, the arts, the literature of the entire human race; they hope for the time when the war drums will throb no longer and, under furled battle flags, they can join in the parliament of man, the federation of the world. Therefore this volume on prevention is closed with a sympathetic citation of the poetic image of highest Greek culture, which enshrines the deepest spiritual philosophy at the basis of all our best redemptive and constructive labors.

"As you ought not to attempt to cure the eyes without the head or the head without the eyes, so neither ought you to attempt to cure the body without the soul, and this, he said, 'is the reason why the cure of many diseases is unknown to the physicians of Hellas, because they are ignorant of the whole, which ought to be studied also, for the part can never be well unless the whole is well.' For all good and evil, whether in the body or in human nature, originate, as he declared, in the soul, and overflow from thence, as from the head into the eyes. And therefore if the head and the body are to be well, you must begin by curing the soul, that is the first thing. And the cure has to be effected by the use of certain charms, and these charms are fair words, and by them temperance is implanted in the soul, and where temperance is there health is speedily imparted, not only to the head, but to the whole body. And he who taught me the cure and the charm added a special direction: 'Let no one,' he said, 'persuade you to cure the head, until he has first given you his soul to be cured by the charm; for this is the great error of our day in the treatment of the human body, that physicians separate the soul from the body.' And he added with emphasis, at the same time making me swear to his words, 'Let no one, however rich, or noble, or fair, persuade you to give him the cure, without the charm.' Now I have

sworn, and must keep my oath, and therefore if you will allow me to apply the Thracian charm first to your soul, as the stranger directed, I will afterwards proceed to apply the cure to your head. But if not, I do not know what I am to do with you, my dear Charmides." *

* Jowett, B.: The Dialogues of Plato, vol. i, p. 11. Oxford University Press, 1892.

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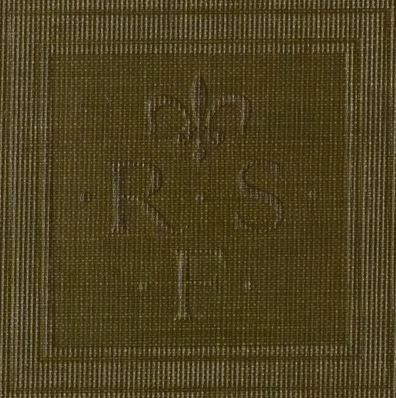
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